



... the best of the best of the Northwest.

## WALLA WALLA CITY COUNCIL

Regular Meeting Agenda

February 23, 2022 - 6:30 p.m.

Live stream of the meeting may be viewed on the City's website at <https://www.wallawallawa.gov/government/city-council>. Members of the public also may attend and participate in this regular meeting by using this [Zoom meeting link](#) or by calling 253-215-8782 and entering meeting ID 830 0163 4930#.

Mission: Dedicated to enhancing the quality of life in Walla Walla.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. PRESENTATIONS & PROCLAMATIONS

- A. Pgs. 4-5 Proclamation declaring the month of July, 2022 as "Walla Walla Sweet Onion Month." Approved

4. PUBLIC COMMENTS

The public may comment on matters of City business at regular meetings starting at 6:30 p.m. To provide comments, please use the Zoom meeting link, raise your virtual hand, wait to be recognized, and then unmute (and turn video on if desired). If you are calling in, dial \*9 to raise your virtual hand, wait to be recognized, and dial \*6 to unmute the connection. Public comments may also be provided by emailing the City Clerk at [khill@wallawallawa.gov](mailto:khill@wallawallawa.gov).

5. CONSENT AGENDA

- A. Pgs. 6-8 Accepts resignation of Linda Scott from the Arts Commission and Bill Allen from the Water & Wastewater Advisory Committee. Approved

- |    |            |   |          |
|----|------------|---|----------|
| B. | Pgs. 9-12  | Resolution 2022-21: Accepts \$50,000 from Walla Walla County Department of Community Health to expand the Community Paramedic Program.  | Approved |
| C. | Pgs. 13-16 | Resolution 2022-22: Authorizes the annual renewal of an Interlocal agreement with Walla Walla County for the distribution of the emergency medical services property tax.   | Approved |
| D. | Pgs. 17-20 | Resolution 2022-23 Accepts grant from the Association of Washington Cities in the amount of \$157,782 for summer youth recreation programs.   | Approved |
| E. | Pgs. 21-25 | Ordinance 2022-03: Vacates the alley right-of-way between North 9th Ave. and North 10th Ave. and lying north of W. Moore St. and south of W. Rees Ave. adjacent to Lots 2-5 and Lots 10-15 in Block 5 of Langford's Addition. | Approved |
| F. | Pgs. 26-29 | Resolution No. 2022-24: Sets forth the intent of the cities of Walla Walla and College Place to collaboratively work towards establishing accessible high-speed broadband.  | Approved |
| G. | Pgs. 30-40 | Approves minutes of the January 31 special Work Session, the February 7 Work Session, and the February 9 regular City Council meeting.  | Approved |

6. ACTIVE AGENDA

- |    |            |   |          |
|----|------------|---|----------|
| A. | Pgs. 41-61 | Resolution 2022-25: Authorizes a construction contract with Allplay Systems for Eastgate Lions Park Playground in the amount of \$244,783.60.   | Approved |
| B. | Pgs. 62-67 | Resolution 2022- 26: Approves the recommendation from the Planning Commission to approve a Shoreline Substantial Development Permit and Shoreline Building Height Variance for the 9th and Rose Building, located at 170 North 9th Avenue. (CLOSED RECORD QUASI-JUDICIAL) | Approved |
| C. | Pgs. 68-73 | Resolution 2022-27: Approves the recommendation from the Planning Commission to approve a Shoreline Substantial Development permit for the Walawàla Plaza project. File# SHR-21-0004 (CLOSED RECORD QUASI-JUDICIAL).  | Approved |
| D. | Pgs. 74-84 | Ordinance 2022-04: Amends the Municipal Code to exclude the successors to the positions of Police Chief and Fire Chief from Civil Service.  | Approved |

7. COUNCIL MEMBER MEETING REPORTS

8. UNFINISHED AND NEW BUSINESS

- A. Resolution No. 2022-28: Ratifies an emergency procurement to repair/rebuild the landfill scraper-tractor. Approved

9. ADJOURNMENT

**Values: Service, Integrity, Collaboration, Equity, Leadership, and Community**

**The City of Walla Walla complies with Title VI, ADA, and other applicable Federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability, religion, veteran status, sexual orientation, gender identity, or sex.**



ar-4577

Pgs. 4-5

**City Council - Regular Meeting**

**Meeting Date:** 02/23/2022

**Submitted For:** City Council, City Council

**Add'l Contributors:**

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**Information**

**ITEM TITLE:**

Proclamation declaring the month of July, 2022 as "Walla Walla Sweet Onion Month."

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**Attachments**

2022 Sweet Onion Month

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## PROCLAMATION

WHEREAS, Walla Walla is home to the Walla Walla Sweet Onion, the Washington State Vegetable;  
and

WHEREAS, the Walla Walla Sweet Onion can only be grown in the federally protected growing area (the Walla Walla Valley of Southeast Washington and Northeast Oregon) making it an agricultural product unique to Walla Walla; and

WHEREAS, Walla Walla Sweet Onion growers and the farmlands devoted to the sweet onion grew to include dozens of families and more than 1200 acres since first planted and harvested in the late 1800s;  
and

WHEREAS, Walla Walla Sweet Onions have been hand-harvested for many generations by descendants of those same families; and

WHEREAS, the number of growers and acres harvested have greatly diminished in recent years; and

WHEREAS, the need to curb the decline and retain the viability of this unique product is at a critical point; and

WHEREAS, it is important that our community more visibly support and recognize the Walla Walla Sweet Onion to ensure the vegetable's sustainability, to safeguard the families and farmlands, and to retain the Washington State Vegetable;

NOW, THEREFORE, I, Tom Scribner, Mayor of the City of Walla Walla do hereby proclaim the month of July 2022 to be

### “Walla Walla Sweet Onion Month”

in the city of Walla Walla to increase recognition of the Walla Walla Sweet Onion and celebrate the State's Vegetable.

Given under my hand and Seal of the City of Walla Walla this \_\_\_\_ day of February 2022.



\_\_\_\_\_  
Mayor

A WONDERFUL PLACE TO **LIVE WORK PLAY**

15 N. 3rd Ave., Walla Walla, WA 99362 | 509.527.4522 | wallawallawa.gov



ar-4582

Pgs. 6-8

**City Council - Regular Meeting**

**Meeting Date:** 02/23/2022

**Submitted For:** Kammy Hill, Support Services

**Add'l Contributors:**

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**Information**

**ITEM TITLE:**

Accepts resignation of Linda Scott from the Arts Commission and Bill Allen from the Water & Wastewater Advisory Committee.

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**Attachments**

Scott Resignation

Allen Resignation

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**From:** [Linda Scott](#)  
**To:** [Rikki Gwinn](#); [Elizabeth Chamberlain](#)  
**Subject:** Re: Special Arts Commission Meeting Agenda  
**Date:** Wednesday, January 19, 2022 12:35:43 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Rikki and Elizabeth,

I will not be able to attend tonight's special meeting.

I also wish to resign from the Arts Commission. Between working at WSP and attending grad school, I simply do not have the time and energy to dedicate to the Arts Commission.

I appreciate the work that is being done and will support from the sidelines the best I can.

Thank you both for your time and dedication.

Sincerely,  
Linda Scott

On Fri, Jan 14, 2022 at 9:12 AM Rikki Gwinn <[rgwinn@wallawallawa.gov](mailto:rgwinn@wallawallawa.gov)> wrote:

Good Morning,

Attached is the agenda which will be posted/emailed today for the special meeting on Wednesday, January 19.

If you have any questions, please email myself or Elizabeth directly. **\*Please do not reply all to this email.\***

Thank you,

Rikki

**RIKKI GWINN**

Support Services Coordinator

SUPPORT SERVICES

509.524.4351

From: William G. Allen <[heybillya@mac.com](mailto:heybillya@mac.com)>  
Sent: Thursday, February 17, 2022 9:07 AM  
To: Frank Nicholson <[fnicholson@wallawallawa.gov](mailto:fnicholson@wallawallawa.gov)>  
Cc: Rose Pingree <[rpingree@wallawallawa.gov](mailto:rpingree@wallawallawa.gov)>  
Subject: Resignation

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Frank,

I'm tendering my resignation. I've served a while now, but I really do not make much of a contribution. This will allow you to find a more productive member. Thank you for the opportunity to serve. You guys are doing a very good job and are serving the community very well! Thank you,

Bill Allen



ar-4554

Pgs. 9-12

**City Council - Regular Meeting**

**Meeting Date:** 02/23/2022

**Item Title:** Walla Walla County Department of Community Health Grant Award

**Submitted For:** Eric Wood, Fire/Ambulance Department

**Financial Comments:**

The WWFD was awarded \$50,000 from the Walla Walla County Department of Community Health to go towards the expansion of the community paramedic program.

**All Contracts:**

Yes

**Federally funded contracts only:**

Not Applicable

**Construction contracts only:**

Not Applicable

**Brief Summary of Requested Action:**

Accept the grant funding in the amount of \$50,000 from Walla Walla County Department of Community Health to go towards the expansion of the Community Paramedic Program established by the Walla Walla Fire Department.

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**Information**

**HISTORY:**

In May of 2021, the Walla Walla Fire Department and Providence partnered to establish a Community Paramedic Program to serve citizens in a non traditional method of emergency medical services. Our goals were to reduce frequent utilization of the 911 system as well as frequent utilization of the emergency department. The intent of the Community Paramedic program is to get to the root cause or underlying issue that in most cases do not require an emergency ambulance or a visit to the emergency department. The program has proven to be extremely successful and we are now looking at expanding the program.

**POLICY ISSUES:**

NA

**PLAN COMPLIANCE:**

**STRATEGIC PLAN:**

**Strategic Initiative 5 - Mid Term : Achieve organizational and city resiliency**

**Objectives**

1. Long-term financial planning - for the organization (Short Term)
2. Organizational succession planning (Short Term to develop)
3. Environmental resiliency planning and preparation (Long Term)

#### 4. Emergency Management planning and preparation (Long Term)

##### COMPREHENSIVE PLAN:

Capital Facilities and Utilities Goal 5 The sound fiscal management of government services and facilities promotes a transparent and collaborative relationship between government and residents. CFU Policy 5.1 Plan for rehabilitation of the City's utility infrastructure to ensure safe, reliable, and efficient service. CFU Policy 5.2 Encourage and pursue, whenever feasible, opportunities to share facilities and costs with different public or private agencies/entities. CFU Policy 5.3 Anticipate and control demand for services to ensure that the City can maintain an appropriate level of service within its financial resources while serving new growth.

##### ALTERNATIVES:

Council could elect not to enter into the contractual agreement with Walla Walla County and decline the \$50,000 in funding.

##### STAFF RECOMMENDATION:

Staff recommends approval of the contract agreement with Walla Walla County Department of Community Health

##### CITY MANAGER COMMENTS:

Approved for City Council action.

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#### Attachments

Res 2022-21

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**RESOLUTION NO. 2022-21**

A RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FUNDING FROM THE WALLA COUNTY DEPARTMENT OF HEALTH TO EXPAND A COMMUNITY PARAMEDIC PROGRAM, AND TAKING OTHER NECESSARY ACTION WITH RESPECT TO SUCH GRANT PROGRAM

WHEREAS, the City of Walla Walla passed Municipal Ordinance A-2405 on May 13, 1970 which classified the City of Walla Walla as a nonchartered code city under Title 35A of the Revised Code Washington (RCW); and

WHEREAS, RCW 35A.11.020 provides in pertinent part that “[t]he legislative body of each code city shall have all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law;” and

WHEREAS, Walla Walla has “all of the powers which any city of any class may have and shall be governed in matters of state concern by statutes applicable to such cities in connection with such powers to the extent to which such laws are appropriate and are not in conflict with the provisions specifically applicable to code cities” pursuant to RCW 35A.21.160; and

WHEREAS, RCW 35A.11.040 authorizes the Walla Walla City Council to “accept any gift or grant for any public purpose and may carry out any conditions of such gift or grant when not in conflict with state or federal law;” and

WHEREAS, Chapter 39.34 of the Revised Code of Washington authorizes political subdivisions to enter into intergovernmental cooperation agreements, and

WHEREAS, grant funding is available from the Walla Walla County Department of Health to expand a community paramedic program; and

WHEREAS, the Walla Walla City Council has considered this matter during a regularly and duly called public meeting of said Council, has given said matter careful review and consideration, and finds that passage of this resolution is an appropriate function for the city and that the best interests of the City of Walla Walla will be thereby served;

**NOW THEREFORE, the City Council of the City of Walla Walla resolves as follows:**

**Section 1:** The Walla Walla City Council hereby authorizes the City Manager of the City of Walla Walla to accept grant funding from the Walla Walla County Department of Health on behalf of the City of Walla Walla to expand a community paramedic program, and the Walla Walla City Manager, and/or designees of the Walla Walla City Manager, are hereby authorized and empowered to execute a grant agreement and all other documents that may be required to participate in the grant program.

**Section 2:** The City Manager of the City of Walla Walla is designated as the chief administrative official and authorized representative in all matters arising out of

participation in the grant program authorized by section 1 herein, and the City Manager of the City of Walla Walla, and/or designees of the Walla Walla City Manager, are hereby authorized, empowered, and directed to comply with program requirements and to make such certifications, funding commitments, reports, or other representations which may be necessary on behalf of the City of Walla Walla.

**Section 3:** The Walla Walla City Manager, and/or designees of the Walla Walla City Manager, are hereby authorized and empowered to approve and execute other documents related to and required by the grant program(s).

**Section 4:** The Walla Walla City Manager, and/or designees of the Walla Walla City Manager, are hereby authorized and empowered to negotiate and execute an intergovernmental agreements, and amendments thereto, regarding usage of grant funds subject to the following conditions: (a) no agreement executed in accordance with this section shall relieve the City of Walla Walla from compliance with enactments of the Walla Walla City Council or any other obligation or responsibility imposed by law, (b) any agreement executed in accordance with this section shall be reported to the Walla Walla City Council at the first meeting of the Walla Walla City Council following its execution, and (c) any agreement executed in accordance with this section may be revoked and terminated by the Walla Walla City Council at the meeting that it is first reported to the Walla Walla City Council.

**Section 6:** The Walla Walla City Clerk is hereby authorized and directed to attest any agreement or other document executed in accordance with this resolution.

**PASSED** by the City Council of the City of Walla Walla, Washington, February 23, 2022.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney





ar-4563

Pgs. 13-16

**City Council - Regular Meeting**

**Meeting Date:** 02/23/2022

**Item Title:** EMS Levy Contract for 2022

**Submitted For:** Eric Wood, Fire/Ambulance Department

**Financial Comments:**

BARS #42900000.337000 in the amount of approximately \$1,763,522.00

**All Contracts:**

Yes

**Federally funded contracts only:**

Not Applicable

**Construction contracts only:**

Not Applicable

**Brief Summary of Requested Action:**

Annual renewal of WW County EMS Levy distribution dollars collected at \$.50/\$1,000 of property value. The Levy is voted on every 6 years however, the contract for service is renewed each year for distribution of funds to responding EMS agencies within Walla Walla County.

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**Information**

**HISTORY:**

This is a county-wide levy in which all EMS agencies share in by distribution based on a three-part formula which includes assessed property value, call volume and population. The City of Walla Walla Fire Department is estimated to receive \$1,763,522.00 in 2022.

The Walla Walla County EMS Levy was instituted in 1990, and has been renewed since that time with a vote of the public every 6 years. The rate of the levy is \$.50/\$1,000 of assessed property value, and is county-wide. The appropriated levy is disbursed to all of the EMS agencies in Walla Walla County, based on a three-part formula (Assessed Value in home agency's jurisdiction; call volume for each agency; and population in the agency's jurisdiction).

The agreement provides the legal description of the response area served by the City of Walla Walla, as well as for other response agencies. The defined response area meets the Washington State approved South Central EMS and Trauma Care Plan for the Walla Walla area of the South Central Region.

**POLICY ISSUES:**

The proposed agreement identifies the City of Walla Walla as the Advanced Life Support (ALS) ambulance service for the majority of Walla Walla County and will provide a projected compensation in the amount of approximately \$1,763,522.00.

**PLAN COMPLIANCE:**

STRATEGIC PLAN: **Strategic Initiative 5 - Mid Term : Achieve organizational and city resiliency**

Objectives

1. Long-term financial planning - for the organization (Short Term)

COMPREHENSIVE PLAN: Capital Facilities and Utilities Goal 1 Walla Walla's capital facilities and utilities are well maintained and up-to-date to meet the demands of growth and economic development. Capital Facilities and Utilities Goal 5 The sound fiscal management of government services and facilities promotes a transparent and collaborative relationship between government and residents. The City Fire Department cannot maintain facilities without proper funding. This levy assists to provide sound financial planning and maintenance.

**ALTERNATIVES:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends Council approve a resolution authorizing the City Manager to sign the attached Inter-Local Agreement for Emergency Medical Services with Walla Walla County.

**CITY MANAGER COMMENTS:**

Approved for City Council action.

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**Attachments**

Res 2022-22

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**RESOLUTION NO. 2022-22**

A RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF WALLA WALLA TO EXECUTE AN EMERGENCY MEDICAL SERVICES AGREEMENT WITH WALLA WALLA COUNTY AND EXECUTE AMENDMENTS THERETO, AND TAKING OTHER ACTION CONNECTED THEREWITH

WHEREAS, Chapter 39.34 of the Revised Code of Washington authorizes political subdivisions to enter into intergovernmental cooperation agreements, and

WHEREAS, commercial ambulance service is not readily available in the City of Walla Walla and surrounding rural areas and such areas are not adequately served by existing private ambulance service, and the City is authorized to operate an ambulance and emergency medical service in such areas pursuant to RCW 35.21.766, RCW 35.23.456, RCW 35A.11.020, and RCW 35A.21.160; and

WHEREAS, the City of Walla Walla provides emergency medical services as defined by RCW 36.01.030; and

WHEREAS, Walla Walla County is authorized by RCW 36.01.095 to establish a system of emergency medical services; and

WHEREAS, Walla Walla County is authorized to make arrangement and provide for ambulance and emergency medical services pursuant to RCW 36.32.470 and RCW 36.01.100; and

WHEREAS, the Walla Walla City Council has reviewed an intergovernmental agreement between the City of Walla Walla and Walla Walla County regarding emergency medical services during a regularly called public meeting of said Council, has given said agreement careful review and consideration, and finds that participation in the agreement is an appropriate function for the city and that the best interests of the City of Walla Walla will be served by entering into the agreement,

**NOW THEREFORE, the City Council of the City of Walla Walla resolves as follows:**

***Section 1:*** The terms of a certain intergovernmental agreement between the City of Walla Walla and Walla Walla County regarding emergency medical services are accepted on behalf of the City of Walla Walla, and the City Manager of the City of Walla Walla, and/or the designee of the Walla Walla City Manager, is hereby authorized, empowered, and directed to execute the agreement on behalf of the City of Walla Walla, and the City Clerk of the City of Walla Walla is hereby authorized and directed to attest said agreement and to attach to each duplicate thereof a copy of this resolution.

***Section 2:*** The City Manager of the City of Walla Walla, and/or the designee of the Walla Walla City Manager, is hereby authorized, empowered, and directed to execute such amendments to the agreement authorized by section 1 herein subject to the following conditions: (a) no amendment by the executed in accordance with this section

shall relieve the City of Walla Walla from compliance with enactments of the Walla Walla City Council or any other obligation or responsibility imposed by law, (b) any amendment executed in accordance with this section shall be reported to the Walla Walla City Council at the first meeting of the Walla Walla City Council following its execution, and (c) any amendment executed in accordance with this section may be revoked and terminated by the Walla Walla City Council at the meeting that it is first reported to the Walla Walla City Council.

**Section 3:** Unless revoked and terminated by the Walla Walla City Council at the meeting that it is first reported to the Walla Walla City Council, the Walla Walla City Clerk is hereby authorized and directed to attest any amendment executed in accordance with section 2 of this resolution after the meeting at which the agreement is reported to the City Council and prior to its entry in force.

**PASSED** by the City Council of the City of Walla Walla, Washington, this 23rd day of February, 2022.

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Mayor

Attest:

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City Clerk

Approved as to form:

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City Attorney



ar-4570

Pgs. 17-20

**City Council - Regular Meeting**

**Meeting Date:** 02/23/2022

**Item Title:** Acceptance of grant from AWC for summer youth recreation programs

**Submitted For:** Andy Coleman, Parks and Recreation, Parks Administration

**Financial Comments:**

This is a grant from the Association of Washington Cities (AWC) in the amount of \$157,782 and requires no matching funds.

**All Contracts:**

Not Applicable

**Federally funded contracts only:**

Not Applicable

**Construction contracts only:**

Not Applicable

**Brief Summary of Requested Action:**

Acceptance of grant in the amount of \$157,782 to support two youth recreation programs to be conducted in summer of 2022.

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**Information**

**HISTORY:**

The Association of Washington Cities called for proposals from local government agencies as part of the SEEK Fund program that were due in November of 2021. The purpose of the SEEK Fund is to help agencies increase their community's access to quality, outdoor summer programming for youth and communities who have historically been underserved and who have been most impacted by the COVID-19 pandemic. Eligible programs were to address students' **social, emotional, mental health, and academic needs** through outdoor recreation. Parks & Recreation Department staff submitted two grant proposals and were successful in being fully funded for both programs. See below for a description of each program to be held during the summer of 2022.

**Bicycle Rodeo**

Parks & Recreation will provide a one day bicycle rodeo event for approximately one hundred children ages 5-12 years old who are current Parks & Recreation scholarship recipients and/or current free and reduced meal recipients through the school district. The event will include a free bicycle, helmet, bike lock, tube repair, and helmet/bike inspection for each pre-registered participant. The goal is to provide youth with transportation, safety training, and a fun physical activity.

**Swim, Play, and Discover Camp**

Parks & Recreation will provide a daily play activity camp from 7:30 a.m. to 5:30 p.m. Monday

– Friday, during the summer months for youth ages 5 – 10 years of age. The children enrolled will be current Parks & Recreation scholarship recipients and/or current free and reduced meal recipients through the school district. The goal is to provide youth a mixture of sports including pickleball, volleyball, and golf to help youth learn new hobbies, swim, develop physical and social skills, and improve mental health.

**POLICY ISSUES:**

Grants must be accepted by City Council

Contracts and agreements over \$20,000 require Council approval

**PLAN COMPLIANCE:**

**COMPREHENSIVE PLAN:**

PR Policy 1.2 Provide a variety of recreational facilities and opportunities to make recreation more accessible, attainable, and attractive for all ages and abilities of users, and to build a sense of community.

PR Policy 1.10 Explore and leverage public/private partnerships and other non-traditional sources for recreational opportunities, facilities, and funding.

**ALTERNATIVES:**

Choose not to accept the grant

**STAFF RECOMMENDATION:**

Accept the grant from the Association of Washington Cities in the amount of \$157,782

**CITY MANAGER COMMENTS:**

Approved for City Council action.

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**Attachments**

Res 2022-23

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## **RESOLUTION NO. 2022-23**

**A RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FUNDING FROM THE ASSOCIATION OF WASHINGTON CITIES FOR SUMMER YOUTH RECREATION PROGRAMS, AND TAKING OTHER NECESSARY ACTION WITH RESPECT TO SUCH GRANT PROGRAM**

WHEREAS, the City of Walla Walla passed Municipal Ordinance A-2405 on May 13, 1970 which classified the City of Walla Walla as a nonchartered code city under Title 35A of the Revised Code Washington (RCW); and

WHEREAS, RCW 35A.11.020 provides in pertinent part that “[t]he legislative body of each code city shall have all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law;” and

WHEREAS, Walla Walla has “all of the powers which any city of any class may have and shall be governed in matters of state concern by statutes applicable to such cities in connection with such powers to the extent to which such laws are appropriate and are not in conflict with the provisions specifically applicable to code cities” pursuant to RCW 35A.21.160; and

WHEREAS, RCW 35A.11.040 authorizes the Walla Walla City Council to “accept any gift or grant for any public purpose and may carry out any conditions of such gift or grant when not in conflict with state or federal law;” and

WHEREAS, Chapter 39.34 of the Revised Code of Washington authorizes political subdivisions to enter into intergovernmental cooperation agreements, and

WHEREAS, grant funding is available from the Association of Washington Cities for summer youth recreation programs; and

WHEREAS, the Walla Walla City Council has considered this matter during a regularly and duly called public meeting of said Council, has given said matter careful review and consideration, and finds that passage of this resolution is an appropriate function for the city and that the best interests of the City of Walla Walla will be thereby served;

**NOW THEREFORE, the City Council of the City of Walla Walla resolves as follows:**

***Section 1:*** The Walla Walla City Council hereby authorizes the City Manager of the City of Walla Walla to accept grant funding from the Association of Washington Cities for summer youth recreation programs, and the Walla Walla City Manager, and/or designees of the Walla Walla City Manager, are hereby authorized and empowered to execute a grant agreement and all other documents that may be required to participate in the grant program.

***Section 2:*** The City Manager of the City of Walla Walla is designated as the chief administrative official and authorized representative in all matters arising out of participation in the grant program authorized by section 1 herein, and the City Manager

of the City of Walla Walla, and/or designees of the Walla Walla City Manager, are hereby authorized, empowered, and directed to comply with program requirements and to make such certifications, funding commitments, reports, or other representations which may be necessary on behalf of the City of Walla Walla.

**Section 3:** The Walla Walla City Manager, and/or designees of the Walla Walla City Manager, are hereby authorized and empowered to approve and execute other documents related to and required by the grant program(s).

**Section 4:** The Walla Walla City Manager, and/or designees of the Walla Walla City Manager, are hereby authorized and empowered to negotiate and execute an intergovernmental agreements, and amendments thereto, regarding usage of grant funds subject to the following conditions: (a) no agreement executed in accordance with this section shall relieve the City of Walla Walla from compliance with enactments of the Walla Walla City Council or any other obligation or responsibility imposed by law, (b) any agreement executed in accordance with this section shall be reported to the Walla Walla City Council at the first meeting of the Walla Walla City Council following its execution, and (c) any agreement executed in accordance with this section may be revoked and terminated by the Walla Walla City Council at the meeting that it is first reported to the Walla Walla City Council.

**Section 6:** The Walla Walla City Clerk is hereby authorized and directed to attest any agreement or other document executed in accordance with this resolution.

**PASSED** by the City Council of the City of Walla Walla, Washington, February 23, 2022.

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Mayor

Attest:

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City Clerk

Approved as to form:

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City Attorney





ar-4510

Pgs. 21-25

**City Council - Regular Meeting**

**Meeting Date:** 02/23/2022

**Item Title:** Adoption of an Ordinance to vacate the alley right-of-way-North 9th Ave. and North 10th Ave.

**Submitted For:** Jon Maland, Development Services Department

**Project No:**  
VAC-21-0001

**Financial Comments:**

Payment to the City of Walla Walla of \$23,000 for the subject right-of-way property was received on January 24, 2022.

**All Contracts:**

Not Applicable

**Federally funded contracts only:**

Not Applicable

**Construction contracts only:**

Not Applicable

**Brief Summary of Requested Action:**

Request for the City Council to adopt the attached Ordinance to vacate the North/South Alley adjacent to Lot 2, 3, 4, 5 and Lot 10, 11, 12, 13, 14, 15 within Block 5 of Langford's Addition to the City of Walla Walla. The subject alley right-of-way is between North 9th Ave. and North 10th Ave. and lying north of W. Moore St. and south of W. Rees Ave.

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**Information**

**HISTORY:**

The City of Walla Walla Development Services received a petition to vacate the North/South Alley adjacent to Lot 2, 3, 4, 5 and Lot 10, 11, 12, 13, 14, 15 within Block 5 of Langford's Addition to the City of Walla Walla on May 26, 2021.

Staff requested comments from the Site Plan Review Committee and Utility providers on May 28, 2021, with comments due on June 18, 2021. Comments were received from Cascade Natural Gas, Pacific Corp (Pacific Power) and City Engineering. The comments pertained to utility easements, which will be a condition placed on the vacation.

The City of Walla Walla Planning Commission conducted a public meeting on July 12, 2021, reviewed the request and voted to recommend approval to City Council.

July 28, 2021: The City Council approved Resolution 2021-104 setting a Public Hearing date of August 25, 2021.

August 5, 2021: The Notice of Public Hearing procedure was completed per Municipal Code and Washington State RCW.

August 25, 2021: The City Council conducted a Public Hearing and approved the continuation of the processes and the appraisal valuation of the property.

December 2021 and January 2022: The appraisal of the alley right of way was determined to be \$23,000. City Engineering staff reviewed the appraisal and concur with the appraisal amount. Payment was made to the City of Walla Walla Finance Department on January 24, 2022.

**POLICY ISSUES:**

City Council is required by RCW 35A.63.080 to review the vacation of any street or public right-of-way only after the "location, character, extent and effect thereof shall have been considered by the planning agency (Planning Commission) with reference to the Comprehensive Plan." Petitions to vacate public right-of-way are processed under Level VI review per Walla Walla Municipal Code 20.30.

**PLAN COMPLIANCE:**

STRATEGIC PLAN: Strategic Initiative 2, Objective 2 - Continue work on the City's Transportation Network.

**COMPREHENSIVE PLAN:**

Economic Development Policy 2.1 - Provide the infrastructure needed for businesses and industries to locate in Walla Walla, including utilities, transportation connections, and suitable land capacity.

Transportation Policy 5.7 - Promote and implement streetscapes that are aesthetically pleasing, safe, and comfortable to residents, visitors, businesses, and property owners.

**ALTERNATIVES:**

Reject the appraisal amount and remand the application back to City Staff.

**STAFF RECOMMENDATION:**

Staff recommends the adoption of the attached Ordinance to vacate the North/South Alley adjacent to Lot 2, 3, 4, 5 and Lot 10, 11, 12, 13, 14, 15 within Block 5 of Langford's Addition to the City of Walla Walla.

**CITY MANAGER COMMENTS:**

Approved for City Council action.

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**Attachments**

Ord 2022-03

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## **ORDINANCE NO. 2022-03**

**AN ORDINANCE TO VACATE THE NORTH/SOUTH ALLEY ADJACENT TO LOT 2, 3, 4, 5 AND LOT 10, 11, 12, 13, 14, 15 WITHIN BLOCK 5 OF LANGFORD'S ADDITION TO THE CITY OF WALLA WALLA**

WHEREAS, the City of Walla Walla has received a petition by at least two-thirds of the owners of property abutting the alley right of way adjacent to Lot 2, 3, 4, 5 and Lot 10, 11, 12, 13, 14, 15 within Block 5 of Langford's Addition to the City of Walla Walla ; and

WHEREAS, the petition was considered by the Walla Walla Planning Commission at its July 12, 2021 meeting in accordance with RCW 35A.63.080, was considered with reference to City of Walla Walla Comprehensive Plan, and a recommendation to City Council of approval; and

WHEREAS, the Walla Walla City Council passed Municipal Resolution 2021-104 at its July 28, 2021 regular meeting, in accordance with RCW 35.79.010, scheduling a Public Hearing on the matter for August 25, 2021; and

WHEREAS, the Walla Walla City Council held a public hearing on the matter at its August 25, 2021, meeting in accordance with RCW 35.79.030, after giving proper notice in accordance with RCW 35.79.020; and

WHEREAS, the applicant, Mr. Blaid Edwards c/o Elusive LLC, submitted an appraisal calculation for the subject right-of-way property and the amount was reviewed and accepted by city staff; and

WHEREAS, the appraisal calculation recommended an amount of \$23,000 for the subject right-of-way property; and

WHEREAS, the applicant on January 24, 2022 submitted to the City of Walla Walla Finance Department payment of the appraised calculation value; and

WHEREAS, the area to be vacated has been part of a dedicated public right-of-way for more than twenty-five years; and

WHEREAS, the Walla Walla City Council finds, in accordance with *Young v. Nichols*, 152 Wash. 306, 278 Pac. 159 (1929), that the twenty-foot wide North/South Alley right of way adjacent to Lot 2, 3, 4, 5 and Lot 10, 11, 12, 13, 14, 15 within Block 5 of Langford's Addition to the City of Walla Walla is no longer required for public use and its use as a public right-of-way is of such a little public benefit as not to justify the cost of maintaining it, and the vacation of said right-of-way serves a public purpose and benefits the public; and

WHEREAS, the Walla Walla City Council has considered the petition during a regularly and duly called public meeting of said Council, has given said petition careful review and consideration, and finds it is an appropriate function for the City to vacate said right-of-way.

**NOW THEREFORE, the City Council of the City of Walla Walla do ordain as follows:**

**Section 1:** The following described right-of-way is hereby vacated:

The twenty-foot wide North/South Alley right of way adjacent to Lot 2, 3, 4, 5 and Lot 10, 11, 12, 13, 14, 15 within Block 5 of Langford's Addition to the City of Walla Walla.

**Section 2:** The City of Walla Walla reserves and retains an easement and the right to exercise and grant easements with respect to the area, herein for the construction, repair, and maintenance of public utilities, services, and culverts, and no permanent structures may be constructed over and above said public utilities, services, or culverts without express written permission of the City of Walla Walla.

**Section 3:** The Walla Walla City Council adopts the findings, conclusions, and recommendations of the Walla Walla Planning Commission, which were made at its July 12, 2021 regular meeting.

**Section 4:** This ordinance shall become effective upon publication in the manner provided by law.

**Section 5:** The Walla Walla City Clerk is authorized and directed to record a certified copy of this ordinance in the office of the Auditor of Walla Walla County as provided by RCW 35.79.020.

**PASSED** by the City Council of the City of Walla Walla, Washington, this 23rd day of February 2022.

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Mayor

Attest:

Approved as to form:

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City Clerk

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City Attorney

**SUMMARY OF ORDINANCE NO. 2022-03**

**AN ORDINANCE TO VACATE THE NORTH/SOUTH ALLEY ADJACENT TO LOT 2, 3, 4, 5 AND LOT 10, 11, 12, 13, 14, 15 WITHIN BLOCK 5 OF LANGFORD'S ADDITION TO THE CITY OF WALLA WALLA**

The Walla Walla City Council pass Municipal Ordinance 2022-03 at its February 23, 2022, regular meeting which in summary:

Vacate the twenty-foot North/South Alley right of way adjacent to Lot 2, 3, 4, 5 and Lot 10, 11, 12, 13, 14, 15 within Block 5 of Langford's Addition to the City of Walla Walla

The ordinance future provides that it shall take effect upon passage and publication of the summary in the manner provided by law.

The full text of Municipal Ordinance 2022-03 will be mailed upon request made to the Walla Walla City Clerk at Walla Walla City Hall, 15 N. Third Ave., Walla Walla, WA 99362.

Summary approved as to form

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City Attorney



ar-4583

Pgs. 26-29

**City Council - Regular Meeting**

**Meeting Date:** 02/23/2022

**Item Title:** Resolution re: CP & WW Broadband

**Submitted For:** Nabel Shawa, City Manager Office, Administration

**Financial Comments:**

No financial impact, yet.

**All Contracts:**

Not Applicable

**Federally funded contracts only:**

Not Applicable

**Construction contracts only:**

Not Applicable

**Brief Summary of Requested Action:**

The cities of Walla Walla and College Place are seeking to work together to determine how best to provide equitable, high-speed broadband throughout both communities.

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**Information**

**HISTORY:**

Both cities currently have various levels of intranet service, but in many areas the connection speeds are low. As technology increases and our educational systems and business become more dependent on high-speed broadband, it is critical for our communities to ensure this service is available and affordable to all.

**POLICY ISSUES:**

Equitable access to an increasingly critical service.

**PLAN COMPLIANCE:**

**STRATEGIC PLAN:**

Initiative 2 - Long Term : Fix and Improve the City's Infrastructure.

Objective 1 Use technology to provide better service and to improve management of operations

**ALTERNATIVES:**

Do not approve the resolution and proceed independently.

**STAFF RECOMMENDATION:**

Approve the resolution allowing both cities to work in partnership.

**CITY MANAGER COMMENTS:**

Approved for City Council action.

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**Attachments**

Res 2022-24

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## **RESOLUTION NO. 2022-24**

A RESOLUTION SETTING FORTH THE INTENT OF THE CITIES OF WALLA WALLA AND COLLEGE PLACE TO COLLABORATIVELY WORK TOWARDS ESTABLISHING ACCESSIBLE HIGH-SPEED BROADBAND

WHEREAS, the City of Walla Walla passed Municipal Ordinance A-2405 on May 13, 1970 which classified the City of Walla Walla as a nonchartered code city under Title 35A of the Revised Code Washington (RCW); and

WHEREAS, the cities of Walla Walla and College Place have determined that high-speed broadband of at least one-hundred megabytes per second is a critical infrastructure service that is necessary for education, business, and economic well-being; and

WHEREAS, The City of Walla Walla and College Place desire to provide high-speed broadband throughout both communities; and

WHEREAS, the cities of Walla Walla and College Place intend to determine how to deliver affordable high-speed broadband to low-income neighborhoods; and

WHEREAS, the cities of Walla Walla and College Place, in the interests of efficiency, fairness and pursuit of harmonious relations, have determined that cooperation and partnership will yield the best results for our communities; and

WHEREAS, the City Council has considered this matter during a regularly and duly called public meeting of said Council, has given said matter careful review and consideration, and finds that passage of this resolution is an appropriate function for the city and that the best interests of the City of Walla Walla will be served by passage of this resolution;

**NOW THEREFORE, the City Council of the City of Walla Walla resolves as follows:**

**Section 1:** The Walla Walla City Council hereby supports working jointly with the City of College Place to determine the most feasible method for providing high-speed broadband, defined as a minimum of one-hundred megabytes per second, to all residents and businesses within the two cities.

**Section 2.** It is anticipated this work will require contracting with subject matter experts to accurately determine the best approach to providing high-speed broadband throughout the two communities, and that such costs will be borne by a prorated basis of each cities' population.

**Section 3.** Walla Walla's City Manager is directed to work with College Place officials to jointly seek the grant funding and legislative appropriations necessary to support the effort to establish community-wide, high-speed broadband for cities of Walla Walla and College Place.

**Section 4:** The Walla Walla City Manager is authorized to execute grant applications, contracts, agreements, intergovernmental agreements and amendments to such applications, contracts, agreements and intergovernmental agreements that may be needed to implement this resolution, provided that sufficient funds for such purposes have been appropriated by the City



Council and such applications, contracts, agreements, intergovernmental agreements are reported to the City Council as soon as practicable and made available for public inspection.

**Section 5.** The Walla Walla City Manager is directed to arrange joint council meetings with College Place to report progress and receive direction.

**PASSED** by the City Council of the City of Walla Walla, Washington, February 23, 2022.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney



ar-4575

Pgs. 30-40

**City Council - Regular Meeting**

**Meeting Date:** 02/23/2022

**Submitted For:** Kammy Hill, Support Services

**Add'l Contributors:**

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**Information**

**ITEM TITLE:**

Approves minutes of the January 31 special Work Session, the February 7 Work Session, and the February 9 regular City Council meeting.

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**Attachments**

01-31-2022 Minutes

02-07-2022 Minutes

02-09-2022 Minutes

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**WALLA WALLA CITY COUNCIL**  
**Special Work Session Minutes**  
**January 31, 2022**

**1. CALL TO ORDER**

Mayor Tom Scribner called the meeting to order at 4:00 p.m. in the City Council Chambers.

Present: Councilmembers Bryan Casey, Rick Eskil, Ted Koehler, Steve Moss, Susan Nakonieczny, Gustavo Reyna and Mayor Tom Scribner.

Absent: None.

City staff in attendance: City Manager Nabel Shawa, Deputy City Manager Elizabeth Chamberlain, and Deputy City Clerk Jodi Stephens.

Also present: City of College Place Councilmembers Monica Boyle (virtually), Michael Cleveland, Tito Espinoza (virtually), Paul Jessup (virtually), Loren Peterson (virtually), Heather Schermann, and Mayor Norma Hernandez, College Place City Administrator Michael Rizzitiello, and Joe Poire, Port of Whitman/Petrichor (virtually).

**2. ACTIVE AGENDA**

Joe Poire, Port of Whitman/Petrichor reviewed broadband installation and expansion in rural areas of the State.

There was discussion on:

- Availability of grants/funding for fiber cable.
- Fiber conduit installation in new developments.
- Cost of service.
- Expanding areas that are currently unserved by broadband.
- Forming partnerships to expand broadband service in the area.

**3. ADJOURNMENT**

There being no further business, the meeting adjourned at 5:00 p.m.

**WALLA WALLA CITY COUNCIL**  
**Work Session Minutes**  
**February 7, 2022**

**1. CALL TO ORDER**

Mayor Scribner called the meeting to order at 4:00 p.m.

Present: Councilmembers Brian Casey, Rick Eskil, Ted Koehler, Steve Moss, Susan Nakonieczny (virtually), Gustavo Reyna, and Mayor Tom Scribner.

Absent: None

City staff in attendance: City Manager Nabel Shaw, Deputy City Manager Elizabeth Chamberlain, Fire Chief Bob Yancey, Deputy Fire Chief Eric Woods, Deputy Fire Chief John Knowles, Public Works Director Ki Bealey, Public Library Director Erin Wells, Deputy Public Works Director Mike Laughery, Paramedic Cody Maines, and City Clerk Kammy Hill.

**2. ACTIVE AGENDA**

A. Update on community paramedic program and funding.

Staff provided an update on the work being done through the community paramedic program and the unmet needs with only one staff member. Funding has been identified that will likely cover the cost of a second community paramedic for the next ten months to have more of a positive impact on the community.

Council expressed their support for this program.

B. Explore expanding the library into Alder Street and the potential of a pedestrian plaza from Spokane Street to Palouse Street.

Staff outlined a proposed concept to shut down Alder Street between Palouse and Spokane Street for expansion of the library. Potential donors of a substantial contribution have come forward and would like to see the library expanded beyond the current addition being studied. This would require an amendment to the contract with SHKS Architects. The donors would cover half of the \$150,000 study. A resolution to authorize an amended contract with SHKS Architects will be brought before Council on February 9.

**WORK SESSION MINUTES**  
**FEBRUARY 7, 2022**  
**PAGE 2**

C. Review 1<sup>st</sup> Avenue Plaza final design.

Staff reviewed the final design concept for the 1<sup>st</sup> Avenue Plaza, next steps, and work with the Confederated Tribes of the Umatilla Indians. There was discussion on the construction making the plaza unusable during the highly used summer months and feasibility of delaying construction until fall. Concerns were also expressed with the limited amount of shade and the heat in the summer months. Flexibility during the bidding and construction phase was encouraged.

**3. OTHER BUSINESS**

No other business was discussed.

**4. ADJOURNMENT**

There being no further business, the meeting adjourned at 5:39 p.m.

**WALLA WALLA CITY COUNCIL**  
**Regular Meeting Minutes**  
**February 9, 2022**

**1. CALL TO ORDER**

Mayor Scribner called the meeting to order at 6:30 p.m.

Present: Councilmembers Brian Casey, Rick Eskil, Ted Koehler, Steve Moss, Susan Nakonieczny, Gustavo Reyna, and Mayor Tom Scribner.

Absent: None.

City staff in attendance: City Manager Nabel Shawa, City Attorney Tim Donaldson, Deputy City Manager Elizabeth Chamberlain, Parks & Recreation Director Andy Coleman, Fire Chief Bob Yancey, Public Works Director Ki Bealey, Library Director Erin Wells, Deputy Fire Chief Johnny Knowles, and City Clerk Kammy Hill.

**2. PLEDGE OF ALLEGIANCE**

**3. PRESENTATIONS & PROCLAMATIONS**

- A. Mayor Scribner read and presented a proclamation declaring February 20 through February 26, 2022, as "National Engineers Week" to Public Works Director Ki Bealey.

**4. PUBLIC COMMENTS**

RL McFarland, Walla Walla, suggested the 1<sup>st</sup> Avenue Plaza project be delayed until fall so it can be utilized during the summer months and additional details, such as tree species, can be finalized. Staff indicated a brief report will be provided to Council on February 23.

**5. CONSENT AGENDA**

Staff introduced the Consent Agenda, Items A through J, as follows:

- A. Accepts resignation of Jordan Michaels from the Infrastructure Improvement Committee.

**WALLA WALLA CITY COUNCIL MINUTES**  
**FEBRUARY 9, 2022**  
**PAGE 2**

- B. Resolution No. 2022-11 authorizing a contract with the Blue Mountain Community Foundation for administration of grants to non-profit agencies using \$150,000 of American Rescue Plan Act funding.
- C. Resolution No. 2022-12 authorizing the renewal of a contract with the Downtown Walla Walla Foundation for lease of the City Hall parking lot for operation of the Farmers Market.
- D. Resolution No. 2022-13 authorizing the purchase of thirty portable radios to replace end of life radios at the Fire Department through the National Association of State Procurement Officials Contract 00318 for \$58,511.72.
- E. Resolution No. 2022-14 awarding the bid for ductile pipe to HD Fowler in the amount of \$50,032.14.
- F. Resolution No. 2022-15 awarding the bid for gravel and spoils hauling/disposal to Koncrete Industries in the amount of \$107,623.70.
- G. Resolution No. 2022-16 awarding the bid to HD Fowler for the purchase of various brass water fittings and parts in an amount not to exceed \$141,020.43.
- H. Resolution No. 2022-19 authorizes the renewal of a lease agreement with Valley Transit for the former Crawford Park as a transit plaza.
- I. Motion to authorize utility bill round up funds to be designated for the Pioneer Park playground project.
- J. Approves minutes of the January 24, 2022, Work Session and January 26, 2022, regular meeting.

Council asked that Item B be removed from the Consent Agenda for separate consideration.

Mayor Scribner invited public input. No one chose to address the City Council on any of these items.

Staff provided brief reports on Items H and I.

**Councilmember Moss moved to adopt Consent Agenda Items A, and C through I. Councilmember Nakonieczny seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

**6. ACTIVE AGENDA**

- B. Resolution No. 2022-11 authorizing a contract with the Blue Mountain Community Foundation for administration of grants to non-profit agencies using \$150,000 of American Rescue Plan Act funding.

Staff reported several non-profit organizations have requested money from the American Rescue Plan Act funds received by the City. The City of College Place had allocated \$50,000 so staff believes \$150,000 is a reasonable amount for the City of Walla Walla to contribute. These funds will be turned over to the Blue Mountain Community Foundation to allocate to non-profit organizations. There was discussion on whether this establishes a precedent for ongoing funding. Because this is a one-time allocation from the Federal government, this will not be an ongoing allocation.

Mayor Scribner invited public input. No one chose to address the City Council on this issue.

**Councilmember Moss moved to adopt Resolution No. 2022-11. Councilmember Casey seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

- A. Resolution No. 2022-17 awarding the bid for the Poplar (5<sup>th</sup> Avenue to Colville Street) Transportation Benefit District project to Apollo, Inc. in the amount of \$6,466,939.93.

Staff reported this is the first of two Poplar Street projects to go to construction. Two bids were received with the lowest coming in approximately \$500,000 over the engineers estimate which is not unexpected due to the inflationary increases in supplies. Staff will seek additional funding from the grant funding agencies. This project will start in March. A brief video describing the project was played.



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Mayor Scribner invited public input. No one in the audience chose to address the City Council on this issue.

There was discussion on the contractor, community involvement, cost of inflation, pedestrian safety in roundabouts, and improvements for multi-modal transportation. This is not the same contractor that did the improvements on Park Street and the staging area will not be located on Park and Crescent Streets.

**Councilmember Reyna moved to adopt Resolution No. 2022-17.**  
**Councilmember Koehler seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

- B. Resolution No. 2022-18 authorizing a professional services contract amendment with David Evans & Associates, Inc. for construction engineering of the Poplar Street (Colville Street to 5<sup>th</sup> Avenue) project in the amount of \$575,366.

Staff reported this contract will provide the necessary construction engineering and management for the Poplar Street improvements. Staff has worked with this firm in the past and it will perform the necessary work on behalf of the City. The City does not have staffing capacity for this level of work.

Mayor Scribner invited public input. No one chose to address the City Council on this issue.

**Councilmember Koehler moved to adopt Resolution No. 2022-18.**  
**Councilmember Reyna seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

- C. Approval of the January 2022 accounts payable register containing check numbers 17115 through 17392, 17394 through 17411, 17413 through 17490, 17492 through 17503, 318, and 320 through 331 totaling \$5,544,132.90.

**Councilmember Moss moved to approve payment of the January 2022 accounts payable register containing check numbers 17115 through 17392, 17394 through 17411, 17413 through 17490, 17492 through 17503, 318, and 320 through 331 totaling \$5,544,132.90 except for the checks to**

**WALLA WALLA CITY COUNCIL MINUTES**  
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**the Blue Mountain Action Council. Councilmember Koehler seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

**Councilmember Moss moved to approve payment of the checks to the Blue Mountain Action Council. Councilmember Reyna seconded the motion. The motion unanimously carried with 6 yes votes, 0 no votes, and 1 abstention by Councilmember Koehler.**

**D. City Tattoo Policy.**

Mayor Scribner reported a prior City Council had considered a request for a tattoo policy and reviewed the timeline of the meetings involving discussion of a tattoo policy. On January 30, Mayor Scribner and Mayor Pro Tem Moss participated in a Zoom meeting with Barbara Clark, Timothy Kaufman-Osborn, and Jack Jackson. They have retained the services of an attorney and are threatening legal action claiming the City Council has violated the Open Public Meetings Act and Public Records Act. They have two demands: That the City release the City Attorney's opinion on the constitutionality of a tattoo policy for City employees; and that the Council discuss a tattoo policy. It is suggested that the City Council hold a follow up Work Session and then schedule an agenda item for a formal decision on a tattoo policy.

Mayor Scribner invited public input.

Barbara Clark, Walla Walla, commented on the importance of a tattoo policy for City police and asked for the release of the City Attorney's legal opinion so the public can better understand the constitutional limitations imposed by the 9<sup>th</sup> Circuit Court of Appeals.

Louis Gonzalez spoke in support of a tattoo policy for City police officers.

Richard Middleton Kaplan, representing the Jewish Community, spoke in support of implementation of a tattoo policy and the significance of symbols to people.

Tim Kaufman-Osborn commented they are only seeking a tattoo policy for police officers. A tattoo policy is a separate discussion item from the legal issues of a violation of the Open Public Meetings Act and the Public Records Act. Based on his legal research, there is no reason why the City of Walla Walla can't craft a constitutionally valid tattoo policy.

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Elyse Semerdjian urged approval of tattoo guidelines that don't allow for hate symbols.

There were comments on rebuilding trust, transparency, and open government.

**Councilmember Moss moved to table further discussion until a Work Session can be scheduled for a more in-depth discussion on a tattoo policy. Councilmember Koehler seconded the motion.**

There were comments on the lengthy process to hire qualified police officers.

**The motion to table unanimously carried with 7 yes votes and 0 no votes.**

**7. COUNCIL MEMBER MEETING REPORTS**

Councilmember Moss reported attendance at a Zoom meeting regarding a tattoo policy; the special Work Session with the City of College Place; the agenda setting meeting; a meeting with College Place Mayor Hernandez; the Work Session; and the implicit bias training sponsored by the Police Department.

Councilmember Casey had no meetings to report.

Councilmember Reyna reported attendance at a legislative committee meeting and encouraged residents to participate in the Historic Preservation Commission survey.

Councilmember Nakonieczny reported attendance at the special Work Session with the City of College Place; the golf course transition committee meeting; the Solid Waste Advisory Committee meeting; the Work Session; and the Fort Walla Walla Board meeting.

Councilmember Eskil reported attendance at the Fire Pension Board meeting and the Planning Commission meeting.

Councilmember Koehler reported attendance at the special Work Session with the City of College Place; participated in the distribution of KN95 masks; and the Work Session.

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Mayor Scribner reported attendance at a meeting to discuss the library expansion project; the Fire Pension Board meeting; a Zoom meeting regarding a tattoo policy; the special Work Session with the City of College Place; the Public Library Board meeting; the Arts Commission meeting; the agenda setting meeting; a meeting with College Place Mayor Hernandez; the Work Session; the Bicycle & Pedestrian Advisory Committee meeting; and the implicit bias training sponsored by the Police Department.

**8. UNFINISHED AND NEW BUSINESS**

Council reported on numerous emails from mobile home park residents and asked for an update to be able to respond to the residents' concerns. Staff indicated they will provide an update.

Staff introduced Resolution No. 2022-20 authorizing the execution of an amended agreement with SHKS Architects. This will allow for expansion of the study to include looking at the closure of Alder Street to keep the library downtown. The total contract amount will increase to \$150,000 with \$75,000 being contributed by anonymous donors.

Mayor Scribner invited public input. No one chose to address the City Council on this issue.

There was discussion on whether there is a possibility of the library being moved; time frame for conceptual designs; leveraging contributions; re-thinking the role of a library; and studying a vertical expansion of the building.

**Councilmember Moss moved to adopt Resolution No. 2022-20.**  
**Councilmember Reyna seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

Staff reported the amended agreement will not be signed until the City has received the contribution from the donors.

**9. ADJOURNMENT**

**There being no further business, the meeting adjourned at 8:29 p.m.**



ar-4544

Pgs. 41-61

**City Council - Regular Meeting**

**Meeting Date:** 02/23/2022

**Item Title:** Eastgate Lions Park Playground Construction Contract

**Submitted For:** Andy Coleman, Parks and Recreation, Parks Administration

**Financial Comments:**

Contract amount is \$244,783.60. This amount is within the \$250,000 project budget approved by City Council at its meeting on 12/15/21. The project will be funded by dollars from the American Rescue Plan Act.

**All Contracts:**

Yes

**Federally funded contracts only:**

Yes

**Construction contracts only:**

Yes

**Brief Summary of Requested Action:**

Authorize the City Manager to execute a contract for construction of a playground at Eastgate Lion: Park.

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**Information**

**HISTORY:**

The current playground at Eastgate Lions Park has deteriorated and is in need of replacement. The structure is twenty-two years old and staff is no longer able to obtain replacement parts for the structure. Many of the components have been removed and the remaining structure is cracked and is experiencing rapid deterioration in multiple locations.

This playground is the next playground structure scheduled to be replaced in the park system. The useful life of a playground is typically twenty years and this structure has exceeded this by two years. The park will see many young families move into the neighborhood when the apartment complex, adjacent to the park, is complete at the site of the former Kmart building.

This contract will provide for the following:

- Purchase of playground structure (see attached)
- Playground structure installation
- Installation of poured-in-place rubberized surfacing (ADA accessibility)

Allplay Systems has a contract with the State of Washington (#04216) for purchase and installation of playground system. This state contract will be used in place of advertising for bids for this project.

It is anticipated that this project will be completed by July of 2022.

**POLICY ISSUES:**

Contracts over \$20,000 require City Council authorization.

Utilizing a State of Washington Contract for this project.

**PLAN COMPLIANCE:**

STRATEGIC PLAN:

Strategic Initiative 2 - Fix and Improve the City's Infrastructure

Objective 4 - Maintain City Buildings and Facilities

COMPREHENSIVE PLAN:

PR Policy 1.2 Provide a variety of recreational facilities and opportunities to make recreation more accessible, attainable, and attractive for all ages and abilities of users, and to build a sense of community

**ALTERNATIVES:**

Direct staff to select an alternative playground or decide not to replace the current playground.

**STAFF RECOMMENDATION:**

Approve resolution to authorize the City Manager to execute a contract with Allplay Systems for installation of a playground at Eastgate Lions Park.

**CITY MANAGER COMMENTS:**

Approved for City Council action.

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**Attachments**

Res 2022-25

Current Playground Picture

picture2

Playground Drawing

Quote

SAM verification

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**RESOLUTION NO. 2022-24**

A RESOLUTION AWARDING THE CONTRACT TO SUPPLY AND INSTALL PLAYGROUND EQUIPMENT AND TO PERFORM ADDITIONAL WORK AND TAKING SUCH FURTHER ACTION NEEDED THEREWITH

WHEREAS, the City of Walla Walla has decided to replace playground equipment in Eastgate Lions Park; and

WHEREAS, the City of Walla Walla passed Municipal Ordinance A-2405 on May 13, 1970 which classified the City of Walla Walla as a nonchartered code city under Title 35A of the Revised Code Washington (RCW); and

WHEREAS, the Washington Supreme Court held in *U. S. v. Town of Bonneville*, 94 Wn.2d 827, 832, 621 P.2d 127 (1980) that optional code cities organized under RCW Title 35A have “‘the broadest powers of local self-government consistent with the Constitution of this state.’ RCW 35A.01.010. Such municipalities are capable of entering into contracts without restriction[;]”and

WHEREAS, Municipal Resolution 98-49 adopted on August 26, 1998 authorizes the Walla Walla City Manager to execute intergovernmental purchasing agreements; and

WHEREAS, the Walla Walla City Manager executed a Master Contract Usage Agreement on June 13, 2013 that allows the City to purchase goods and services from state master contracts; and

WHEREAS, the goods and services needed by the City are available from vendors through a Washington State master contract; and

WHEREAS, the Walla Walla City Council has considered this matter during a regularly and duly called public meeting of said Council, has given this matter careful review and consideration, and finds that good government and the best interests of the City of Walla Walla will be served by passage of this resolution,

**NOW THEREFORE, the City Council of the City of Walla Walla resolves as follows:**

**Section 1:** The contract to supply and install playground equipment and perform additional related work is hereby awarded to Allplay Systems, LLC, and the City Manager of the City of Walla Walla, and designees of the City Manager, are hereby authorized, empowered and directed to purchase equipment and services from Allplay Systems, and execute such purchase orders, contracts, agreements, and other documents that may be required; provided that sufficient appropriations therefor have been made by the Walla Walla City Council.

**Section 2:** The City Manager of the City of Walla Walla, and designees of the City Manager, are hereby authorized and empowered to execute amendments, modifications, and change orders to the purchase orders, contracts, agreements, and other documents authorized by section 1 herein on behalf of the City of Walla Walla, provided that

sufficient appropriations have been made by the Walla Walla City Council and provided further that the aggregate value of all such amendments, modifications, and change orders may not exceed twenty four thousand dollars (\$24,000.00).

**Section 3:** The City Manager of the City of Walla Walla is also hereby authorized and empowered to execute amendments, modifications, and change orders to the purchase orders, contracts, agreements, and other documents authorized by section 1 herein, which do not materially alter such contracts, agreements, and purchase orders, and also do not increase the financial obligations beyond amounts authorized by sections 1 and 2 herein.

**Section 4:** The City Clerk of the City of Walla Walla is hereby authorized and directed to attest the purchase orders, contracts, agreements, amendments, modifications, change orders, and other documents authorized herein, and to attach to each duplicate thereof a copy of this resolution.

**PASSED** by the City Council of the City of Walla Walla, Washington, February 23, 2022.

---

Mayor

Attest:

---

City Clerk

Approved as to form:

---

City Attorney











# Eastgate Lions Park Walla Walla, WA. USP.05794-3

## Color Scheme

### Posts



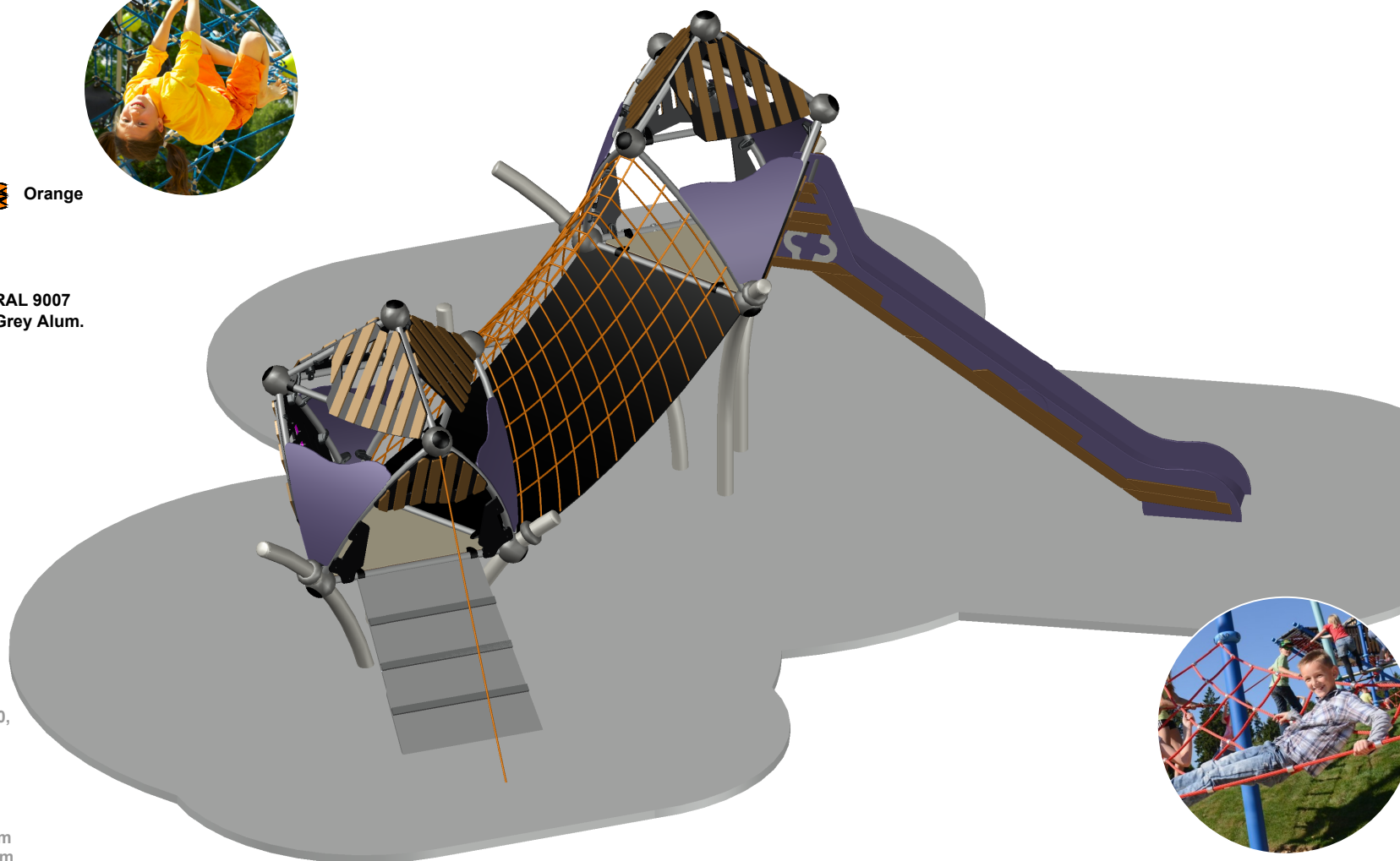
### Ropes



### Balls



### Clamps



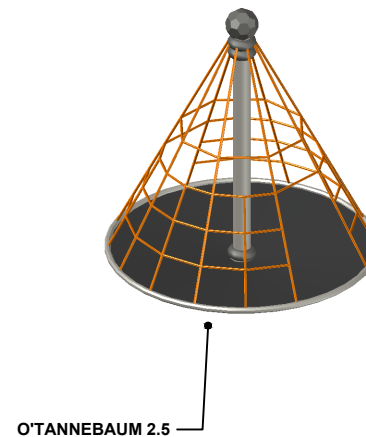
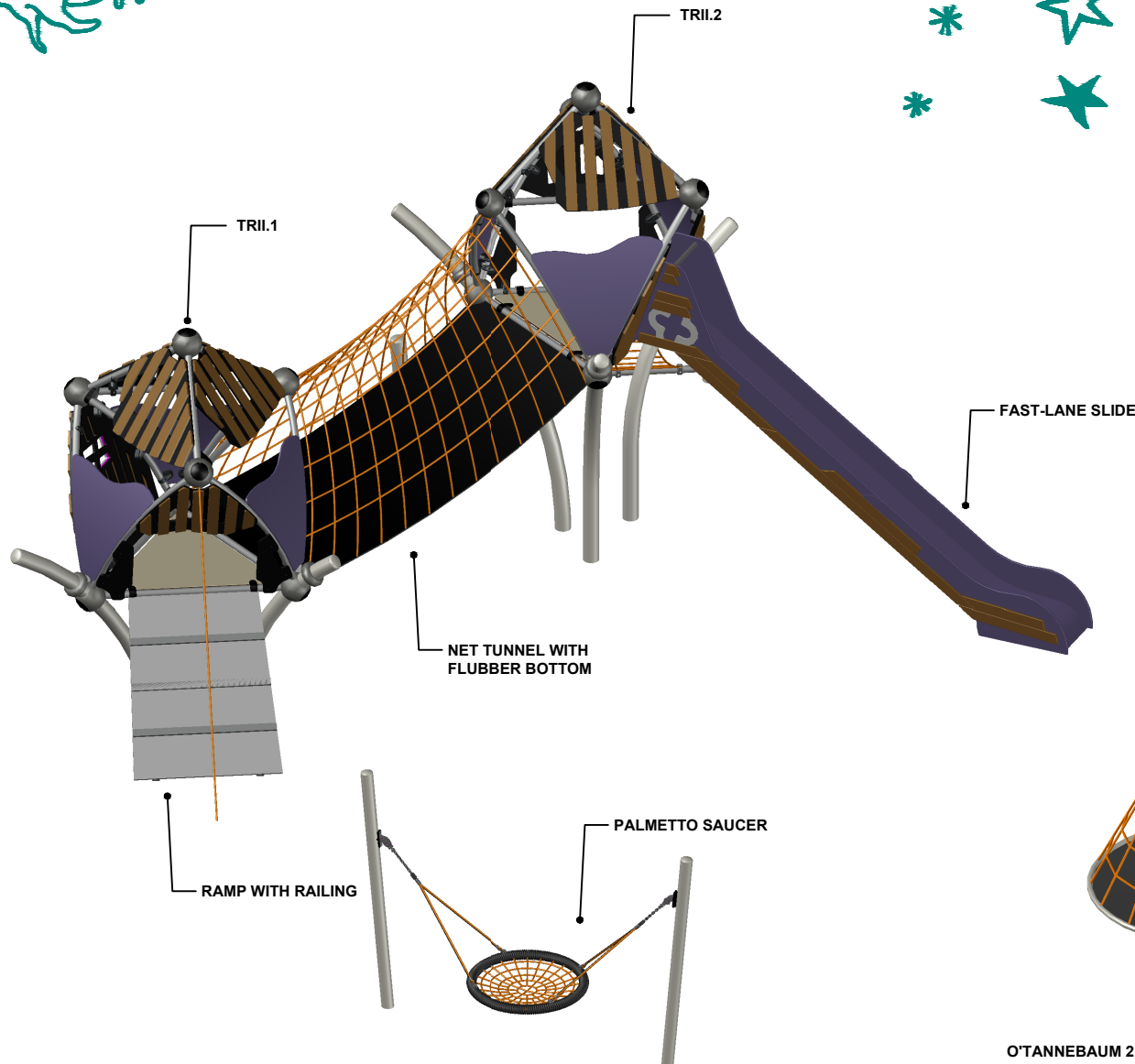
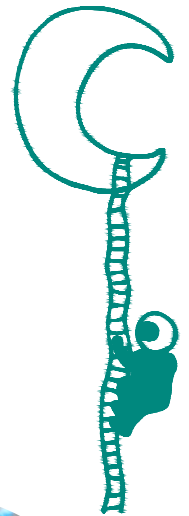
Berliner Seilfabrik  
Play Equipment Corporation

96 Brookfield Oaks Dr., Suite 140,  
Greenville, SC 29607

Phone: +1-864-627-1092

Fax: +1-864-627-1178

[www.berliner-playequipment.com](http://www.berliner-playequipment.com)  
[info@berliner-playequipment.com](mailto:info@berliner-playequipment.com)



## Eastgate Lions Park Walla Walla, WA.

### USP.05794-3



Dimensions (l x w x h)  
('-") 21'-0" x 27'-2" x 13'-7"

Free height of fall  
('-") 6'-8"

Minimum space required  
('-") 33'-0" x 39'-2"

Surface  
(sqft) 853

Format  
ANSI A (8.5" x 11")

Scale  
N.T.S.

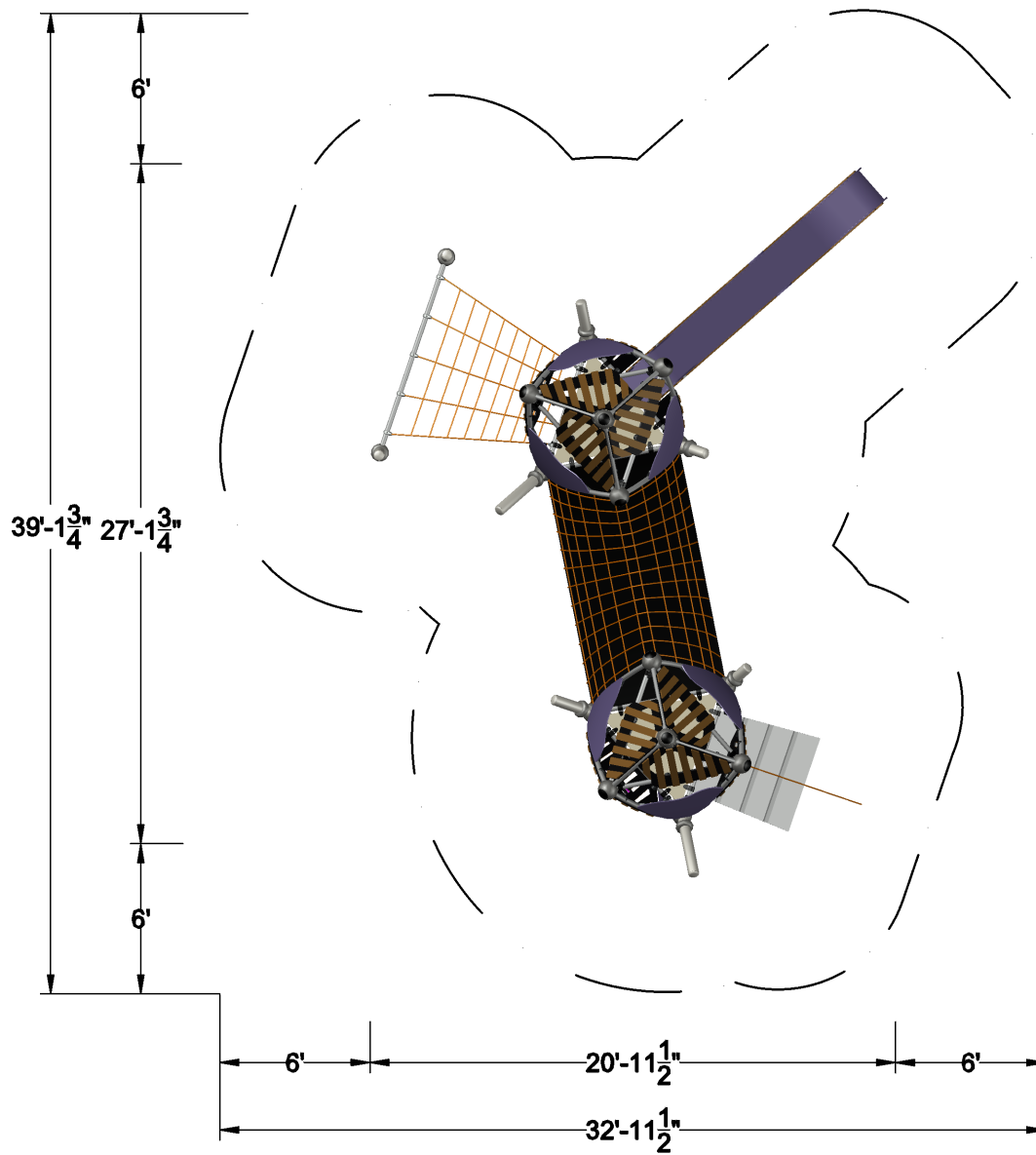
Date  
12/03/2021

Name  
L.Vardanian  
M.Buck

Revision Date  
1.01/11/2022  
2.02/02/2022

3.02/04/2022  
4.

Please note: Current design is for conceptual purposes only and is subject to change.



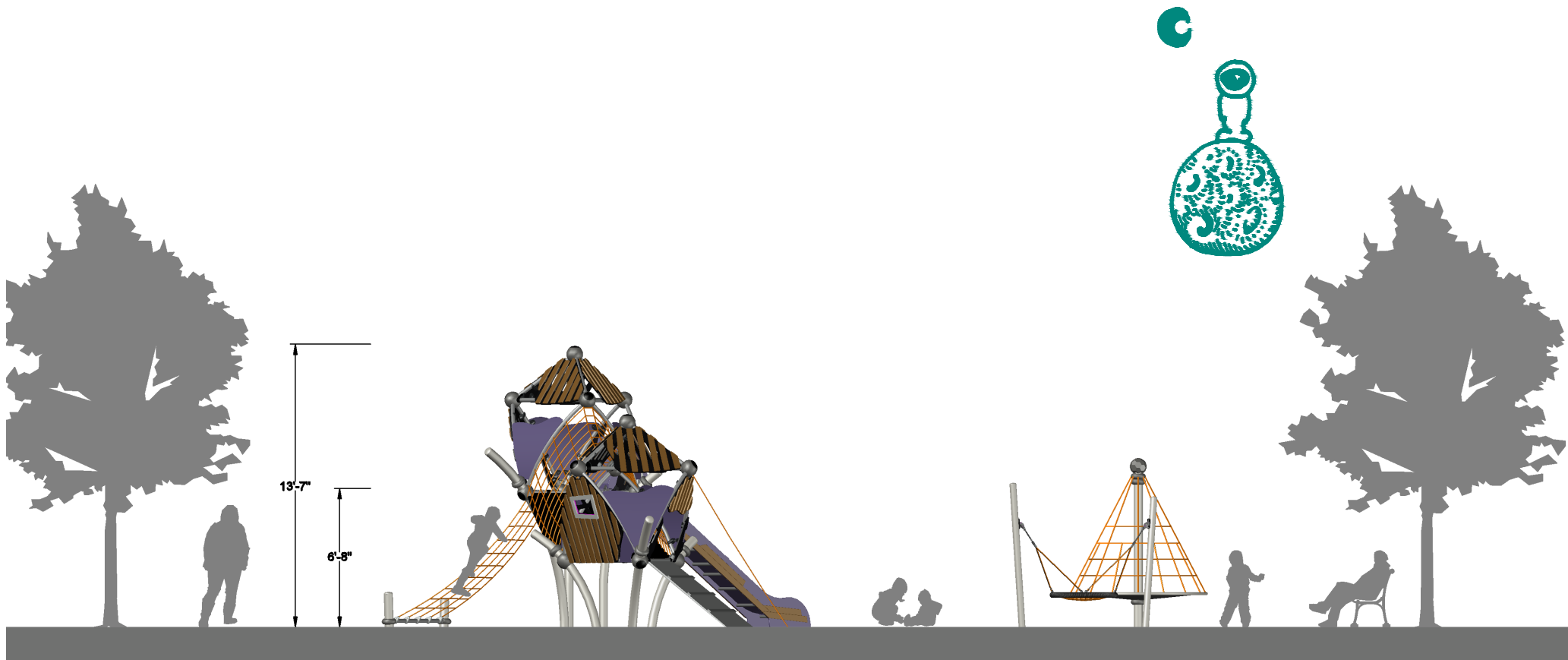
# Eastgate Lions Park Walla Walla, WA.

**USP.05794-3**

Dimensions (l x w x h) ('-") 21'-0" x 27'-2" x 13'-7"	Free height of fall ('-") 6'-8"
Minimum space required ('-") 33'-0" x 39'-2"	Surface (sqft) 853
Format ANSI A (8.5" x 11")	Scale N.T.S.
Date 12/03/2021	Name L.Vardanian M.Buck
Revision Date 1.01/11/2022 2.02/02/2022	3.02/04/2022 4.

Please note: Current design is for conceptual purposes only and is subject to change.



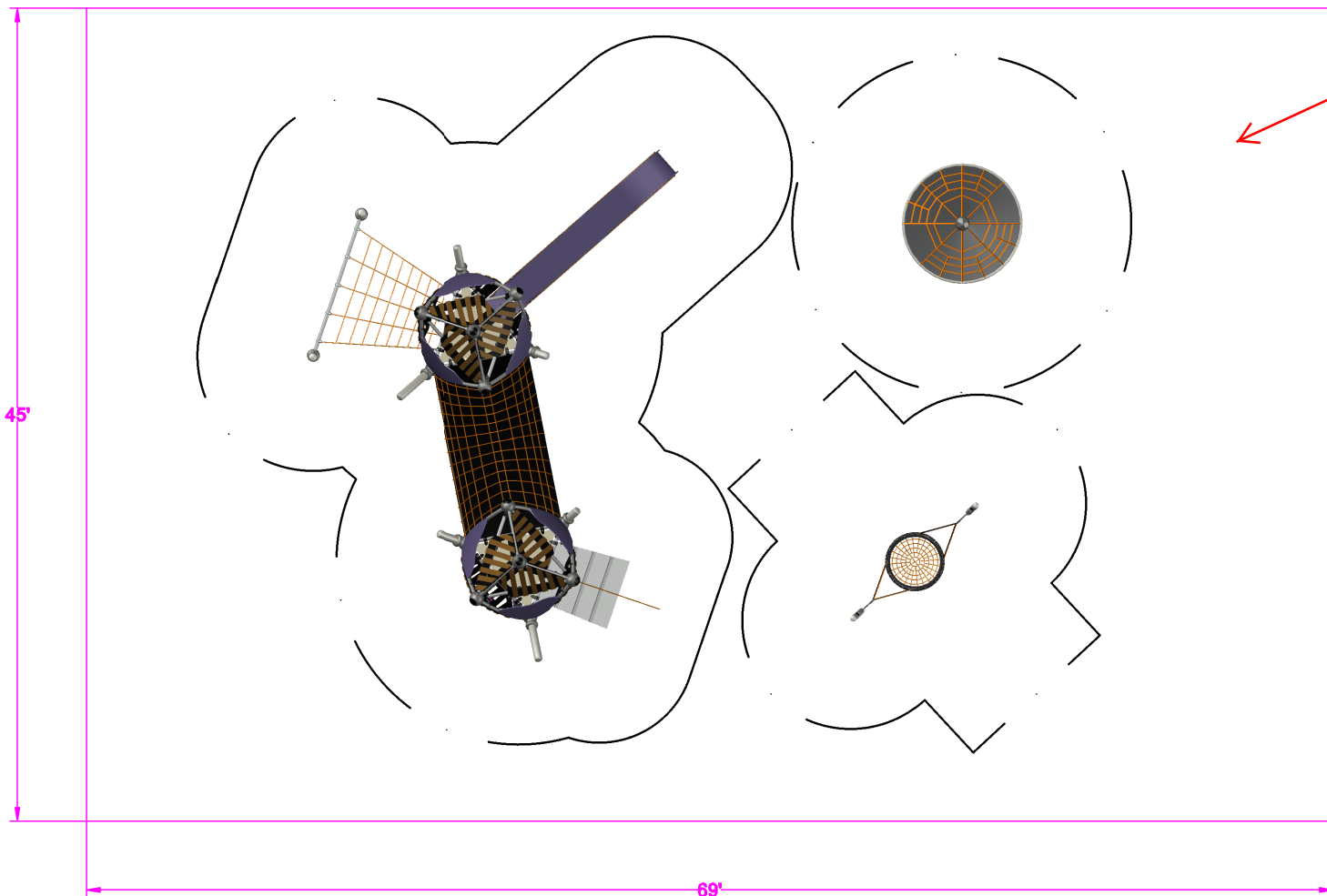


# Eastgate Lions Park Walla Walla, WA.

## USP.05794-3

Dimensions (l x w x h) ('"-)21'-0" x 27'-2" x 13'-7"		Free height of fall ('"-)6'-8"
Minimum space required ('"-)33'-0" x 39'-2"	Surface (sqft) 853	
Format ANSI A (8.5" x 11")	Scale N.T.S.	
Date 12/03/2021	Name L.Vardanian M.Buck	
Revision Date 1.01/11/2022 2.02/02/2022	3.02/04/2022 4.	

Please note: Current design is for conceptual purposes only and is subject to change.



Element on next  
page to be  
incorporated

## Eastgate Lions Park Walla Walla, WA.

USP.05794-3



Dimensions (l x w x h) ('-") 21'-0" x 27'-2" x 13'-7"	Free height of fall ('-") 6'-8"
Minimum space required ('-") 33'-0" x 39'-2"	Surface (sqft) 853
Format ANSI A (8.5" x 11")	Scale N.T.S.
Date 12/03/2021	Name L.Vardanian M.Buck
Revision Date 1.01/11/2022 2.02/02/2022	3.02/04/2022 4.

Please note: Current design is for conceptual purposes only and is subject to change.

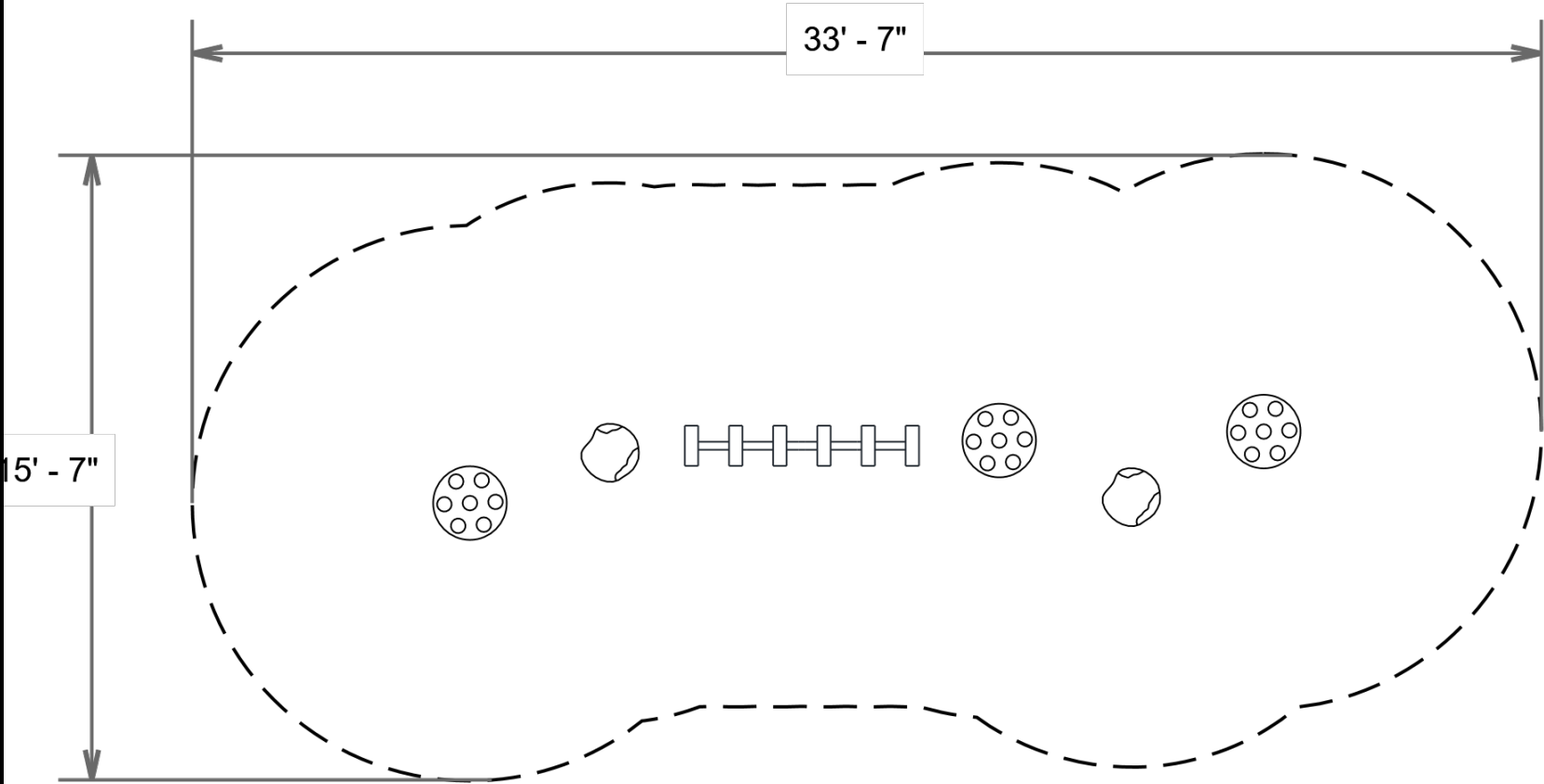
WW Eastgate Lions Park  
SITE PLAN

ADA ACCESSIBILITY GUIDELINE - ADAAG CONFORMANCE

ELEVATED	ACCESSIBLE	RAMP ACCESSIBLE	GROUND	TYPES
0	0/0	0	4/0	4/0

FOR KIDS  
AGES  
2-12

To be incorporated into structure  
on previous pages



GENERAL NOTES:

This Preliminary Site Plan is based on measurements that were provided in the initial planning phase. All dimensions must be verified prior to the submission of a purchase order. Playcraft Systems will not be held responsible for any discrepancies between actual dimensions and dimensions submitted in the planning phase.

The Minimum Use Zone for a play structure is based on the product design at the time of proposal. Components and structure designs may be subject to change which may affect dimensions. Therefore, before preparing the site, we strongly recommend obtaining final drawings from the factory (available after the order is placed and included in the Assembly Manual).

WARNING: Accessible safety surfacing material is required beneath and around this equipment that has a critical height value (Fall Height) appropriate for the highest accessible part of this equipment. Refer to the CPSC'S Handbook For Public Playground Safety, Section 4: Surfacing.

PROJECT#: 20722  
DATE: 2/7/2022

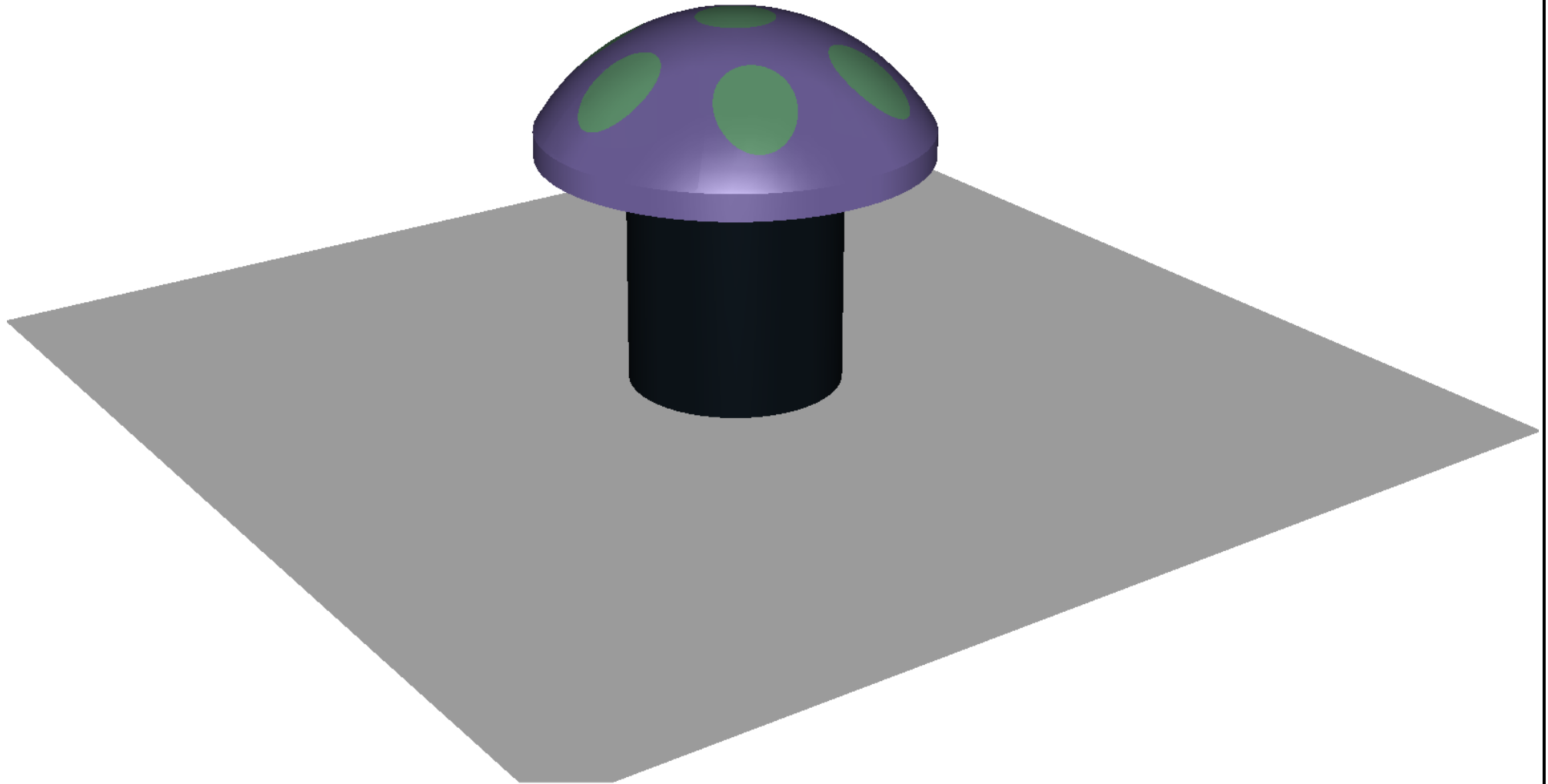
MIN. USE ZONE: 34' x 16'

PLAYCRAFT REP:  
**AllPlay Systems**



**WW Eastgate Lions Park**  
**SW VIEW**

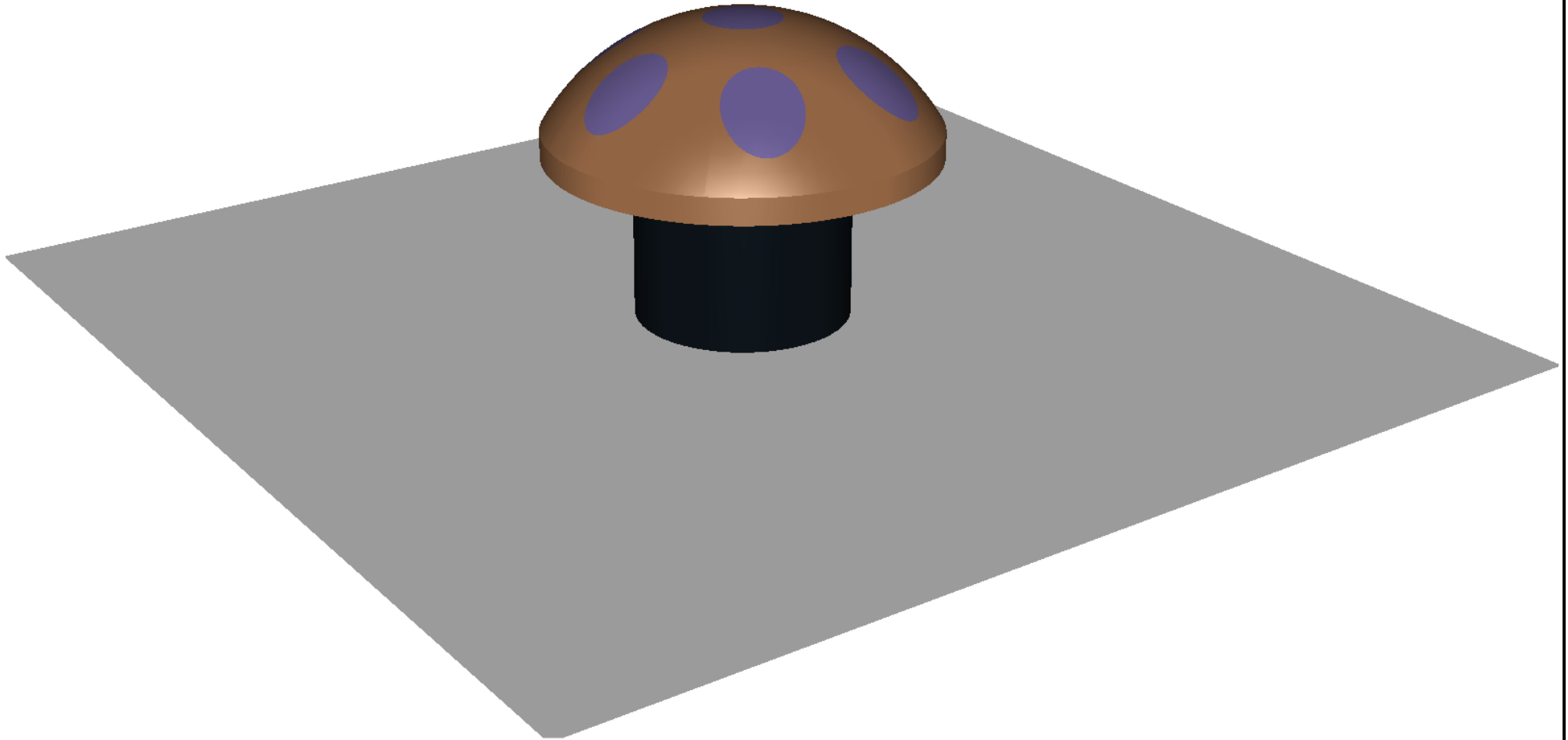
FOR KIDS  
AGES  
2-12



STRUCTURE#: Lg Shroom Stepper  
PROJECT#: 20722  
DATE: 2/7/2022

**WW Eastgate Lions Park**  
**SW VIEW**

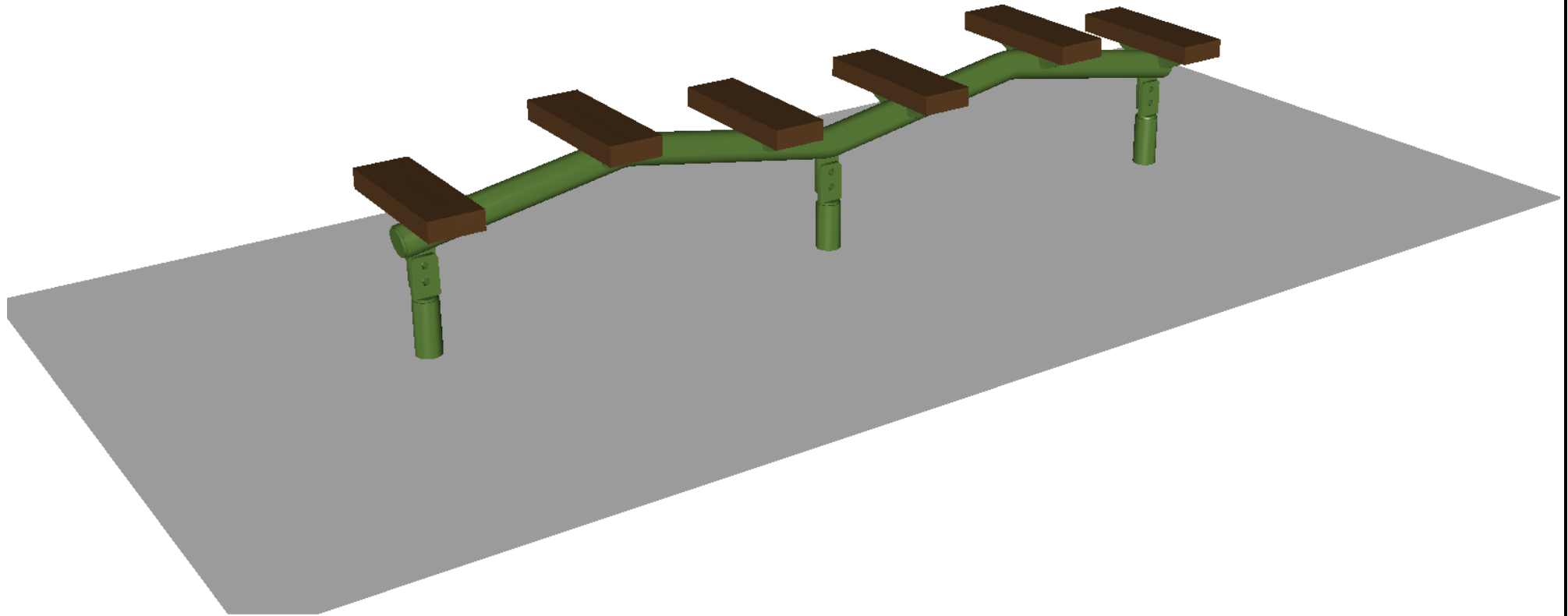
FOR KIDS  
AGES  
2-12



STRUCTURE#: balance  
PROJECT#: 20722  
DATE: 2/7/2022

**WW Eastgate Lions Park**  
**SW VIEW**

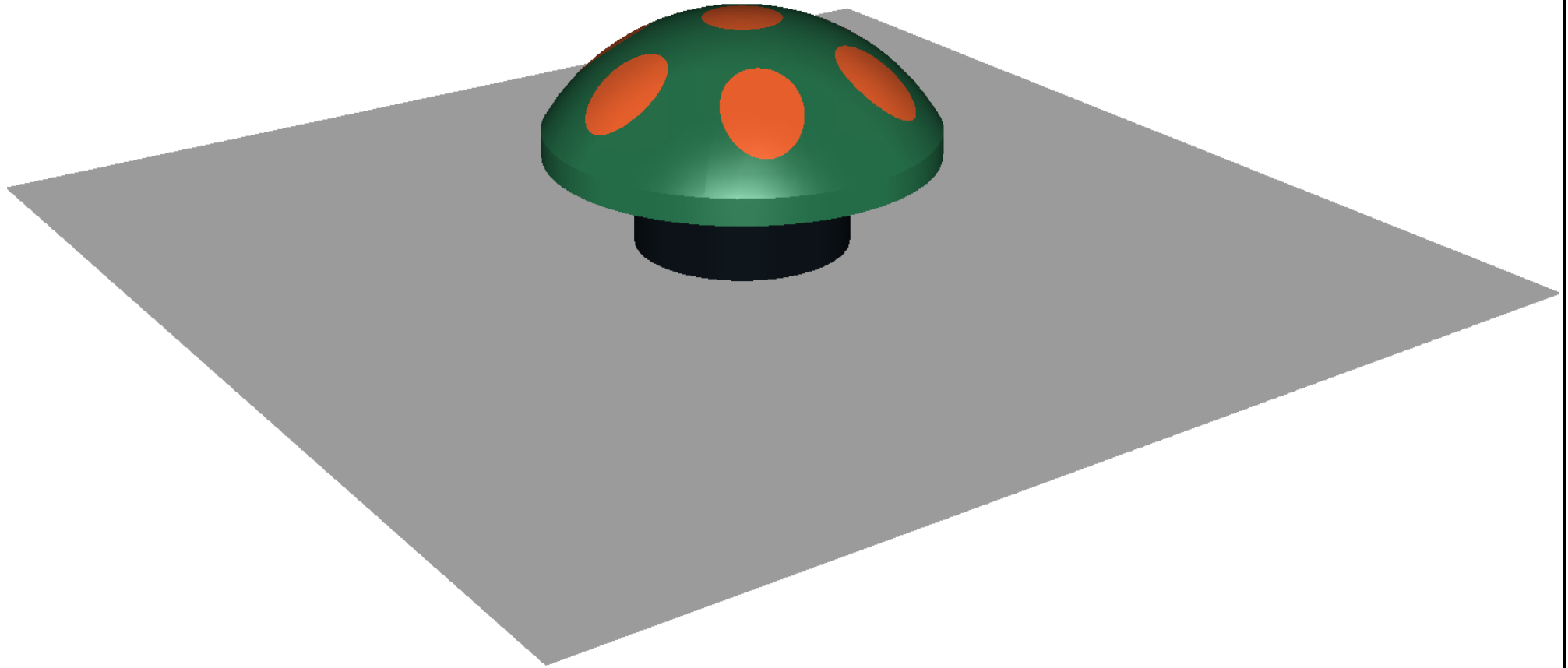
FOR KIDS  
AGES  
2-12



STRUCTURE#: Wave Beam  
PROJECT#: 20722  
DATE: 2/7/2022

**WW Eastgate Lions Park**  
**SW VIEW**

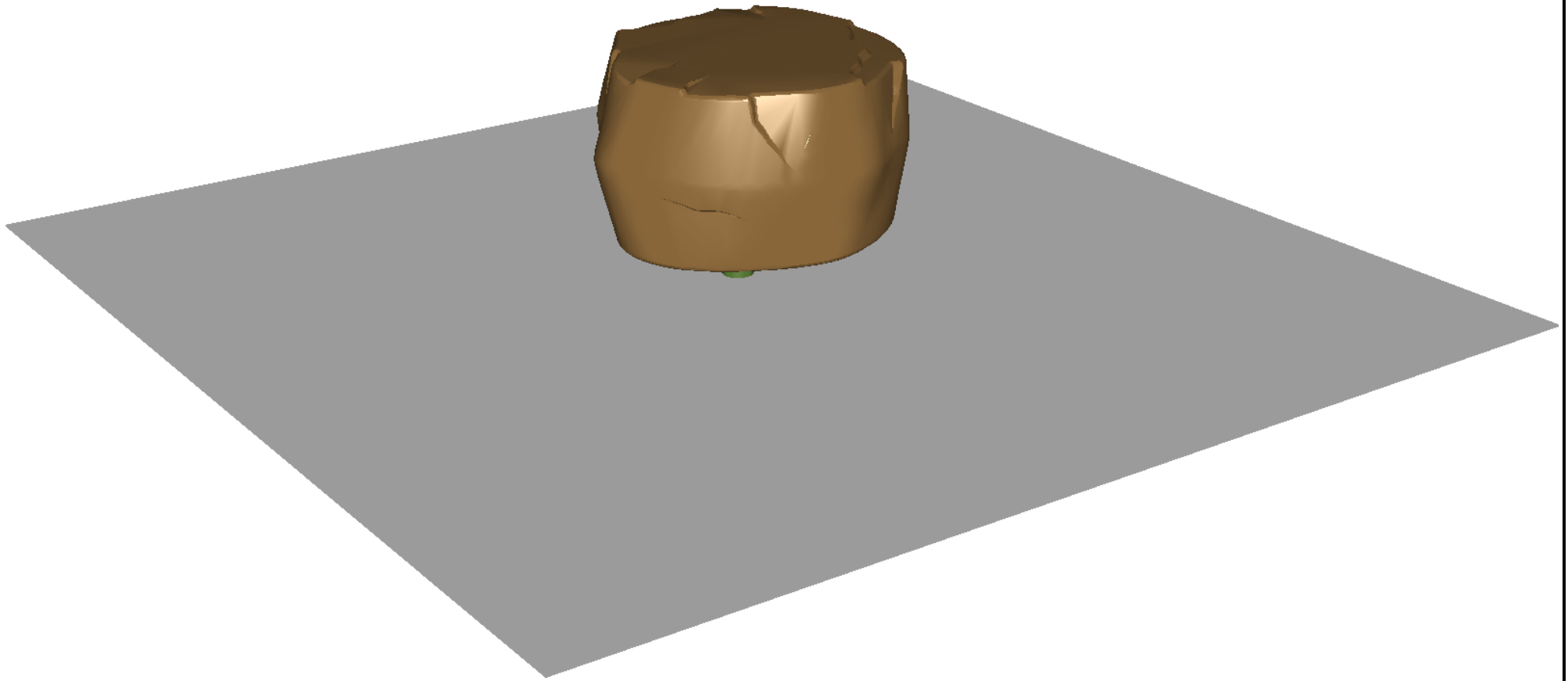
FOR KIDS  
AGES  
2-12



STRUCTURE#: Small Shroom Stepper  
PROJECT#: 20722  
DATE: 2/7/2022

**WW Eastgate Lions Park**  
**SW VIEW**

FOR KIDS  
AGES  
2-12



STRUCTURE#: Rock Step  
PROJECT#: 20722  
DATE: 2/7/2022



AllPlay Systems, LLC  
P.O. Box 1886  
Sequim, WA 98382

Toll Free: 888.531.4881  
Fax: 888.655.6412  
Email: lisa@allplaysystems.com

# Quotation

Lisa Patrick  
(509) 954-0835

Project: Walla Walla East Lions Park Berliner Trii2 Combo

Date: 1/19/2022

Quote valid until: 2/18/2022

## Bill To:

Walla Walla City Hall  
15 N. 3rd Ave.  
Walla Walla, WA 99362

Contact: Andy Coleman  
Phone: 509-520-1937  
Email: ap@ci.walla-walla.gov

## Ship To:

Walla Walla Parks & Recreation

Contact: Andy Coleman  
Phone: 509-520-1937  
Email: acoleman@wallawalla.gov

This quote and purchase will be administered in accordance with the terms of NASPO ValuePoint Master Agreement #6479, executed 12/1/2016. The customer is responsible for final quantity count and unloading of freight at site, unless otherwise specified. All freight damage or missing items must be reported within two business days.

Vendor	Item Description	Model	Qty	Unit Price	Total Price
Berliner	Trii.1/Trii.2 Combo USP.05794-3		1	\$82,153.00	\$82,153.00
	Palmetto Saucer		1	\$4,547.00	\$4,547.00
	O'Tannebaum 2.5		1	\$10,427.00	\$10,427.00
	FREIGHT		1	\$7,535.00	\$7,535.00
	FREIGHT				
Playcraft	Shroom Stepper - Large		1	\$477.00	\$477.00
	Shroom Stepper - Medium		1	\$445.00	\$445.00
	Shroom Stepper - Small		1	\$408.00	\$408.00
	Wave Boardwalk		1	\$1,309.00	\$1,309.00
	Rock Step		2	\$215.00	\$430.00
	Material Price Increase Surcharge		1	\$397.44	\$397.44
	FREIGHT			\$700.00	
R&R	Play Equipment Installation		1	\$53,989.00	\$53,989.00
Const.					
Spectra	Provide & Install 3105 total sf Perma Play - 3"	Perma Play	3105	\$21.36	\$66,322.80
Turf	50% color/50% black				
	NASPO State Contract #6479		1	-\$10,773.10	-\$10,773.10
	Payment and Performance Bond (3%)		1	\$7,111.19	\$7,111.19


Additional Info:

3 day on site to complete poured in place, 3" PIP for 7'CFH, Prevailing Wage. Site prep done by others/owner including removal of old equipment, EWF, sub base prep. Owner to provide dumpster. Installer will remove debris and packaging. Final colors for surface, rope and other play material to be decided by customer. Basic design for surface can be chosen for each pour similar to WW Rotary Vista Park project.

Subtotal	\$224,778.33
Tax 8.9%	\$20,005.27
<b>Total</b>	<b>\$244,783.60</b>

Sincerely,

Lisa Patrick

(509) 954-0835

lisa@allplaysystems.com

Accepted By: \_\_\_\_\_

Date: \_\_\_\_\_



# ALLPLAY SYSTEMS LLC

DUNS Unique Entity ID <b>961608580</b>	SAM Unique Entity ID <b>M7JTKF2XBLR3</b>	CAGE / NCAGE <b>5W1A9</b>
Purpose of Registration <b>All Awards</b>	Registration Status <b>Active</b>	Expiration Date <b>Oct 23, 2022</b>
Physical Address <b>170 Havenwood LN Sequim, Washington 98382-8880 United States</b>	Mailing Address <b>P.O. Box 1886 Sequim, Washington 98382 United States</b>	

## Business Information

Doing Business as <b>(blank)</b>	Division Name <b>(blank)</b>	Division Number <b>(blank)</b>
Congressional District <b>Washington 06</b>	State / Country of Incorporation <b>Washington / United States</b>	URL <b>www.allplaysystems.com</b>

## Registration Dates

Activation Date <b>Oct 25, 2021</b>	Submission Date <b>Oct 23, 2021</b>	Initial Registration Date <b>Feb 10, 2010</b>
--	--	--

## Entity Dates

Entity Start Date <b>Feb 1, 2010</b>	Fiscal Year End Close Date <b>Dec 31</b>
---	---

## Immediate Owner

CAGE <b>(blank)</b>	Legal Business Name <b>(blank)</b>
------------------------	---------------------------------------

## Highest Level Owner

CAGE <b>(blank)</b>	Legal Business Name <b>(blank)</b>
------------------------	---------------------------------------

## Executive Compensation

Registrants in the System for Award Management (SAM) respond to the Executive Compensation questions in accordance with Section 6202 of P.L. 110-252, amending the Federal Funding Accountability and Transparency Act (P.L. 109-282). This information is not displayed in SAM. It is sent to USAspending.gov for display in association with an eligible award. Maintaining an active registration in SAM demonstrates the registrant responded to the questions.

## Proceedings Questions

Registrants in the System for Award Management (SAM) respond to proceedings questions in accordance with FAR 52.209-7, FAR 52.209-9, or 2.C.F.R. 200 Appendix XII. Their responses are not displayed in SAM. They are sent to FAPIIS.gov for display as applicable. Maintaining an active registration in SAM demonstrates the registrant responded to the proceedings questions.

## Exclusion Summary

Active Exclusions Records?

**No**

## SAM Search Authorization

I authorize my entity's non-sensitive information to be displayed in SAM public search results:

**Yes**

## Entity Types

### Business Types

Entity Structure <b>Corporate Entity (Not Tax Exempt)</b>	Entity Type <b>Business or Organization</b>	Organization Factors <b>Limited Liability Company</b>
Profit Structure <b>For Profit Organization</b>		



**Socio-Economic Types****Self Certified Small Disadvantaged Business****Woman Owned Small Business****Woman Owned Business**

Check the registrant's Reps & Certs, if present, under FAR 52.212-3 or FAR 52.219-1 to determine if the entity is an SBA-certified HUBZone small business concern. Additional small business information may be found in the SBA's Dynamic Small Business Search if the entity completed the SBA supplemental pages during registration.

**Financial Information**

Accepts Credit Card Payments

**Yes**

Debt Subject To Offset

**No**

EFT Indicator

**0000**

CAGE Code

**5W1A9****Points of Contact****Electronic Business**

👤  
**Danielle Patterson**

**PO Box 1886**  
**Sequim, Washington 98382**  
**United States**

Jeff Hansen

PO Box 1886  
Sequim, Washington 98382  
United States

**Government Business**

👤  
**Danielle Patterson**

**PO Box 1886**  
**Sequim, Washington 98382**  
**United States**

Jeff Hansen

PO Box 1886  
Sequim, Washington 98382  
United States

**Service Classifications****NAICS Codes**

Primary	NAICS Codes	NAICS Title
<b>Yes</b>	<b>423910</b>	<b>Sporting And Recreational Goods And Supplies Merchant Wholesalers</b>
	<b>238990</b>	<b>All Other Specialty Trade Contractors</b>
	<b>423990</b>	<b>Other Miscellaneous Durable Goods Merchant Wholesalers</b>

**Product and Service Codes**

PSC	PSC Name
<b>7290</b>	<b>Miscellaneous Household And Commercial Furnishings And Appliances</b>
<b>7810</b>	<b>Athletic And Sporting Equipment</b>
<b>7830</b>	<b>Recreational And Gymnastic Equipment</b>
<b>F008</b>	<b>Natural Resources/Conservation- Recreation Site Maintenance (Non-Construction)</b>
<b>H978</b>	<b>Other Quality Control, Testing, And Inspection- Recreational And Athletic Equipment</b>

**Disaster Response**

Yes, this entity appears in the disaster response registry.

States	Counties	Metropolitan Statistical Areas
<b>Hawaii</b>		
<b>Oregon</b>		
<b>Washington</b>		



ar-4539

Pgs. 62-67

**City Council - Regular Meeting**

**Meeting Date:** 02/23/2022

**Item Title:** 9th and Rose Building Shoreline Substantial Development Permit and Shoreline Height Variance.

**Submitted For:** Jon Maland, Development Services Department

**Project No:**  
SHR-21-0003

**Financial Comments:**

N/A

**All Contracts:**  
Not Applicable

**Federally funded contracts only:**  
Not Applicable

**Construction contracts only:**  
Not Applicable

**Brief Summary of Requested Action:**

Shoreline Substantial Development Permit and Shoreline Building Height Variance, for construction of a multi-use development. The proposed development consists of a first-floor hotel and commercial use and second through fourth floor apartments totaling approximately 94,753 square feet. The subject property is 2.63 acres of Lot B of the 9th and Rose Amended Lot 4 Binding Site Plan (BSP).

This portion of Mill Creek is subject to the provisions of the City of Walla Walla's Shoreline Management Master Program (SMP). The Mill Creek channel adjacent to the property is within the High Intensity Shoreline Designation area. The development of the site for commercial use and upper level residential is permitted in this Shoreline Designation.

The development will meet the 35 foot minimum setback from Mill Creek for the location of the proposed building. The development will provide access via a path along Mill Creek. The setback from Mill Creek and access to the pathway will fulfill the requirements of the Shoreline Management Master Program.

---

**Information**

**HISTORY:**

October 7, 2021: Andrew Galloway c/o Galloway Architecture submitted a Shoreline Substantial Development Permit and Shoreline Building Height Variance application for construction of a multi-use development. The proposed development consists of a first-floor hotel and commercial use and second through fourth floor apartments totaling approximately 94,753 square feet. The subject location is 2.63 acres of the Lot B of the 9th and Rose Amended Lot 4 Binding Site Plan (BSP). The property is located at 170 North 9th Avenue, on the south side of the Mill Creek.

December 15, 2021: The Notice of Application notification process was completed, as required by Walla Walla Municipal Code 20.14.065. The Notice of Application and State Environmental Policy Act (SEPA) Environmental Checklist was circulated to the City Site Plan Review Committee (SPRC), Washington State Department of Ecology and SEPA contacts.

December 21, 2021, Additional publish date (two dates required by City Shoreline Master Program).

Comment letters received from the following and are attached to the staff report:  
Washington State Department of Archeology and Historic Preservation  
Washington State Department of Ecology  
Washington State Department of Transportation.

January 19, 2022: The City of Walla Walla Site Plan Review Committee (SPRC) meeting with the applicant was conducted on the proposal. The SPRC had no additional comments and recommend approval.

January 21, 2022: The City of Walla Walla SEPA Responsible Official issued a SEPA threshold determination of a Mitigated Determination of Non -Significance (MDNS) on the proposal.

January 21, 2022: The Notice of Public Hearing notification process was completed, as required by Walla Walla Municipal Code 20.14.085.

February 7, 2022: The City of Walla Walla Planning Commission conducted a Public Hearing on the request. The hearing was open for public comment and the following persons commented: Andrew Galloway c/o Galloway Architecture, project architect described the project, discussed the residential apartments and compliance with the zoning height of fifty feet. Richard McFarland commented on the first level residential and the recent code amendments, also discussion of the architect comments on the dismissal of roof top deck for the project, due to the overall building height and other project design constraints.

The Planning Commission concluded the hearing and recommended approval of the Shoreline Substantial Development Permit and Shoreline building height variance, on to City Council.

[Click here for a copy of the complete staff report.](#)

#### **POLICY ISSUES:**

Policy issues are contained within the Staff report to the Planning Commission.

#### **PLAN COMPLIANCE:**

**STRATEGIC PLAN:**

Strategic Initiative 4 - Long Term Encourage Economic development to strengthen the community.

Objectives: 3. Encourage affordable housing and reduce homelessness

**COMPREHENSIVE PLAN:**

Community Character Policy 5.1- Work with public and private partners to enhance the Mill Creek corridor with ecological restoration and trails to become a keystone asset in the city's physical identity.

Environment and Natural Resources Policy 1.1 - Implement best management practices, where feasible, to ensure protection of surface and groundwater resources and ecosystems in locations where roadway and highway construction projects are occurring.

**ALTERNATIVES:**

The City Council may decide to approve, approve with modifications, deny, or remand the request back to the Planning Commission for further consideration.

**STAFF RECOMMENDATION:**

Staff recommends, and the Planning Commission concurs, to approve the Shoreline Substantial Development Permit and Shoreline Building Height Variance. Analysis regarding the staff recommendation is contained within the attached staff report to the Planning Commission.

**CITY MANAGER COMMENTS:**

Approved for City Council action.

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**Attachments**

Res 2022-26

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RESOLUTION NO. 2022-26

A RESOLUTION APPROVING A SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT AND SHORELINE BUILDING HEIGHT VARIANCE (FILE# SHR-21-0003) FOR THE CONSTRUCTION OF A MULTI-USE DEVELOPMENT CONSISTING OF A FIRST-FLOOR HOTEL AND COMMERCIAL USE AND SECOND THROUGH FOURTH FLOOR APARTMENTS, LOCATED AT 170 NORTH 9<sup>TH</sup> AVENUE.

WHEREAS, an application for a Shoreline Substantial Development Permit and Shoreline Building Height Variance (File# SHR-21-0003) has been made by Andrew Galloway c/o Galloway Architecture. The project is located at 170 North 9<sup>th</sup> Avenue at Mill Creek. Said development is proposed to be within 200 feet of Mill Creek; and

WHEREAS, the Notice of Application notice was issued on December 15, 2021; and

WHEREAS, on December 21, 2021, the second publication date for the Notice of Application was published as required by the City's Shoreline Master Program; and

WHEREAS, the responsible official for the City of Walla Walla under Washington's State Environmental Policy Act issued a Mitigated Determination of Non-Significance (MDNS) for the project on January 21, 2022; and

WHEREAS, the Walla Walla Planning Commission has, after notice and public hearing on February 7, 2022, recommended approval of the Shoreline Substantial Development Permit and Shoreline Building Height Variance based upon the certain conditions; and

WHEREAS, the Walla Walla City Council has considered the application, the environmental documents, and the recommendation made by the Walla Walla Planning Commission, during a regularly and duly called public meeting of said Council and has given careful review and consideration to the matter.

NOW THEREFORE, the Walla Walla City Council does resolve as follows:

**Section 1:** The Walla Walla City Council finds that the shoreline of Mill Creek is regulated by Walla Walla's Shoreline Master Program which was adopted by Walla Walla Municipal Ordinance No. 2018-20 on June 25, 2018, approved by the Washington State Department of Ecology on July 16, 2018, and became effective July 30, 2018, for this application that was submitted and vested on December 2, 2021.

**Section 2:** The Walla Walla City Council finds that the shoreline of Mill Creek in the vicinity of 170 North 9th Avenue is within the High Intensity Environment under the City of Walla Walla's Shoreline Master Program.

**Section 3:** The Walla Walla City Council finds that the proposed building project and the associated construction constitutes substantial development and requires a shoreline permit and building height variance under the City of Walla Walla's Shoreline Master Program.

**Section 4:** The Walla Walla City Council finds that this project and related construction within 200 feet of the ordinary high-water mark of Mill Creek are allowed uses under Chapter 6,

Use and Modification Matrix (Table 6-1) of the City of Walla Walla Shoreline Master Program subject to conditions of permit approval.

**Section 5:** The Walla Walla City Council finds that the request for a Shoreline Substantial Development Permit and Shoreline Building Height Variance made by the applicant for the building construction and site development within 200 feet of ordinary high-water mark of Mill Creek are consistent with the policies and procedures of the Shoreline Management Act, the provisions of Chapter 173-27 of the Washington Administrative Code, and Walla Walla's Shoreline Master Program.

**Section 6:** The request for a Shoreline Substantial Development Permit and Shoreline Building Height Variance made by Andrew Galloway c/o Galloway Architecture for this building project and construction within 200 feet of ordinary high-water mark of Mill Creek, is hereby approved subject to the following conditions imposed pursuant to Washington Administrative Code §173-27-150 (2), and Chapter 4.2 of Walla Walla's Shoreline Master Program:

A. There shall be compliance with the development standards set forth by underlying city regulations.

B. There shall be compliance with the Mitigated Determination of Non-Significance issued by the City of Walla Walla State Environmental Policy Act SEPA responsible official, dated January 21, 2022, which is incorporated by reference.

C. Construction shall be consistent with the project description provided within the Shoreline Substantial Development Permit and Shoreline Building Height Variance application.

D. Appropriate steps shall be taken to prevent erosion and protect the water quality of Mill Creek to reduce or eliminate runoff into the creek channel and using best management practices.

E. If any historical or cultural artifacts are uncovered during development, the project proponent /contractor shall notify the City and take appropriate steps to protect the artifacts until their significance can be evaluated, and the artifacts shall be preserved to the extent practicable.

**Section 7:** This resolution is the final decision of the City of Walla Walla upon this matter.

**Section 8:** Construction pursuant to Shoreline Substantial Development Permit authority herein shall not begin and is not authorized until twenty-one (21) days from the date that this permit decision is filed with the Washington Department of Ecology (DOE); or until all review proceedings are terminated if such proceedings are initiated within twenty-one (21) days of the date of filing.

**Section 9:** Notice is hereby given that any appeal of this decision must be commenced by filing a petition for review and one copy with the Washington State Shoreline Hearings Board at the Environmental Hearings Office within twenty-one (21) days of the date of filing of this decision with the Washington Department of Ecology pursuant to Revised Code of Washington

§90.58.180 and Washington Administrative Code §461-08-340.

**Section 10:** Notice is hereby given that affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

PASSED by the City Council of the City of Walla Walla, Washington, February 23, 2022.

---

Mayor

Attest:

Approved as to form:

---

City Clerk

---

City Attorney



ar-4560

Pgs. 68-73

**City Council - Regular Meeting**

**Meeting Date:** 02/23/2022

**Item Title:** WalaWala Plaza Shoreline Substantial Development Permit

**Submitted For:** Jon Maland, Development Services Department

**Project No:**  
SHR-21-0004

**Financial Comments:**  
N/A

**All Contracts:**  
Not Applicable

**Federally funded contracts only:**  
Not Applicable

**Construction contracts only:**  
Not Applicable

**Brief Summary of Requested Action:**

Shoreline Substantial Development Permit for the Walawala Plaza Project. The project includes the conversion of a public right of way/street into a permanent public gathering space. Improvements will include new pedestrian friendly surfacing within the plaza area located between Main Street and the Alley south of Main Street; possible utility connections to support community events taking place in the plaza (electric/gas); repaving/resurfacing the south half of the block; the incorporation/addition of cost conscious, movable landscaping to provide shade during summer days, but allow for various uses/configurations of the plaza; reconfiguration of on-street parking on First Avenue south of the plaza area (from the alley to Alder Street) to maximize available parking including ADA accessible spaces; and modification of the traffic signal at Main Street and First Avenue to improve accessibility for the visually impaired (across Main Street).

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**Information**

**HISTORY:**

December 21, 2021: The City of Walla Walla submitted a Shoreline Substantial Development Permit for construction and site development of the Walawala Plaza Project. The subject project is located on 1st Avenue and the intersections of Main Street and Alder Street.

December 24, 2021: The Notice of Application notification process was completed, as required by Walla Walla Municipal Code 20.14.065. The Notice of Application and State Environmental Policy Act (SEPA) checklist was circulated to the Washington State Department of Ecology and SEPA contacts.

December 31, 2021: Additional publish date (two dates required by City Shoreline Master Program).



Comment letter received from the following and are attached to the Staff Report:

- Valley Transit
- Washington State Department of Ecology
- The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cultural Resources Protection Program (CRPP)

January 21, 2022: The City of Walla Walla SEPA Responsible Official issued a SEPA threshold determination of a Determination of Non-Significance (DNS) on the proposal.

January 21, 2022: The Notice of Public Hearing notification process was completed, as required by Walla Walla Municipal Code 20.14.085.

February 7, 2022: The City of Walla Walla Planning Commission conducted a Public Hearing on the request. The hearing was open for public comment and the following persons commented: Elizabeth Chamberlain, Deputy City Manager and Applicant Representative described the project and presented the design drawings. Robert Simmons, citizen, commented on the enjoyment of the current 1st avenue plaza seating area and the safety of crossing between the businesses on First Avenue.

The Planning Commission concluded the hearing and recommended approval of the Shoreline Substantial Development Permit on to City Council.

[Click here for the complete staff report.](#)

## **POLICY ISSUES:**

Policy issues are contained within the Staff report to the Planning Commission.

## **PLAN COMPLIANCE:**

### **STRATEGIC PLAN:**

Strategic Initiative 4 - Long Term : Encourage Economic development to strengthen the community

#### **Objectives:**

1. Attract and support small businesses

### **COMPREHENSIVE PLAN:**

Community Character Goal 4- Downtown is the heart of Walla Walla, making all people feel welcome, accommodating a wide variety of civic and commercial functions, and reflecting the city's history.

Community Character Policy 4.1- Carefully protect and enhance Downtown's visual character, the most important single aspect of the city's identity, through historic preservation activities, complementary infill development, and sensitively designed public works.

Community Character Policy 4.2 – Create a public gathering space near the center Downtown that is inviting to all Walla Walla residents. Such a space can help unify people living in different neighborhoods, increase Downtown activity, and support Downtown businesses.

Environment and Natural Resources Policy 1.1 - Implement best management practices, where feasible, to ensure protection of surface and groundwater resources and ecosystems in

locations where roadway and highway construction projects are occurring.

Transportation Plan Policy 1.3- Provide facilities for all modes of transportation.

Transportation Plan Policy 5.2- Create a well-connected network of streets, paths, and transit service to provide active transportation options.

Transportation Plan Policy 5.7 – Promote and implement streetscapes that are aesthetically pleasing, safe, and comfortable to residents, visitors, businesses, and property owners.

**ALTERNATIVES:**

The City Council may decide to approve, approve with modifications, deny, or remand the request back to the Planning Commission for further consideration.

**STAFF RECOMMENDATION:**

Staff concurs with the Planning Commission recommendation to approval the Shoreline Substantial Development Permit.

**CITY MANAGER COMMENTS:**

Approved for City Council action.

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**Attachments**

Res 2022-27

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RESOLUTION NO. 2022-27

A RESOLUTION APPROVING A SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT (FILE# SHR-21-0004) FOR THE CONSTRUCTION OF WALAWÀLA PLAZA PROJECT, LOCATED ON 1<sup>ST</sup> AVENUE AND INCLUDING THE INTERSECTION OF MAIN STREET.

WHEREAS, an application for a Shoreline Substantial Development (File# SHR-21-0004) has been made by City of Walla Walla. The project is located on 1<sup>st</sup> Avenue, between the Main Street and Alder Street. Said development is proposed to be within 200 feet of Mill Creek; and

WHEREAS, the Notice of Application notice was issued on December 24, 2021; and

WHEREAS, on December 31, 2021, the second publication date for the Notice of Application was published as required by the City's Shoreline Master Program; and

WHEREAS, the responsible official for the City of Walla Walla under Washington's State Environmental Policy Act issued a Determination of Non-Significance (DNS) for the project on January 21, 2022; and

WHEREAS, the Walla Walla Planning Commission has, after notice and public hearing on February 7, 2022, recommended approval of the Shoreline Substantial Development Permit based upon the certain conditions; and

WHEREAS, the Walla Walla City Council has considered the application, the environmental documents, and the recommendation made by the Walla Walla Planning Commission, during a regularly and duly called public meeting of said Council and has given careful review and consideration to the matter.

NOW THEREFORE, the Walla Walla City Council does resolve as follows:

**Section 1:** The Walla Walla City Council finds that the shoreline of Mill Creek is regulated by Walla Walla's Shoreline Master Program which was adopted by Walla Walla Municipal Ordinance No. 2018-20 on June 25, 2018, approved by the Washington State Department of Ecology on July 16, 2018, and became effective July 30, 2018, for this application that was submitted and vested on December 21, 2021.

**Section 2:** The Walla Walla City Council finds that the shoreline of Mill Creek in the vicinity of the 1<sup>st</sup> Avenue, between Main Street and Alder Street is within the Urban Downtown Environment under the City of Walla Walla's Shoreline Master Program.

**Section 3:** The Walla Walla City Council finds that the proposed plaza project and the associated construction constitutes substantial development and requires a shoreline permit under the City of Walla Walla's Shoreline Master Program.

**Section 4:** The Walla Walla City Council finds that this project and related construction within 200 feet of the ordinary high-water mark of Mill Creek are allowed uses under Chapter 6, Use and Modification Matrix (Table 6-1) of the City of Walla Walla Shoreline Master Program subject to conditions of permit approval.

**Section 5:** The Walla Walla City Council finds that the request for a Shoreline Substantial Development Permit made by the applicant for the project construction and site development within 200 feet of ordinary high-water mark of Mill Creek are consistent with the policies and procedures of the Shoreline Management Act, the provisions of Chapter 173-27 of the Washington Administrative Code, and Walla Walla's Shoreline Master Program.

**Section 6:** The request for a Shoreline Substantial Development Permit made by the City of Walla Walla for the WalaWala Plaza project and construction within 200 feet of ordinary high-water mark of Mill Creek, is hereby approved subject to the following conditions imposed pursuant to Washington Administrative Code §173-27-150 (2), and Chapter 4.2 of Walla Walla's Shoreline Master Program:

A. There shall be compliance with the development standards set forth by underlying city regulations.

B. There shall be compliance with the Determination of Non-Significance issued by the City of Walla Walla State Environmental Policy Act SEPA responsible official, dated January 21, 2022, which is incorporated by reference.

C. Construction shall be consistent with the project description provided within the Shoreline Substantial Development Permit application.

D. Appropriate steps shall be taken to prevent erosion and protect the water quality of Mill Creek to reduce or eliminate runoff into the creek channel and using best management practices.

E. If any historical or cultural artifacts are uncovered during development, the project proponent /contractor shall notify the City and take appropriate steps to protect the artifacts until their significance can be evaluated, and the artifacts shall be preserved to the extent practicable.

**Section 7:** This resolution is the final decision of the City of Walla Walla upon this matter.

**Section 8:** Construction pursuant to Shoreline Substantial Development Permit authority herein shall not begin and is not authorized until twenty-one (21) days from the date that this permit decision is filed with the Washington Department of Ecology (DOE); or until all review proceedings are terminated if such proceedings are initiated within twenty-one (21) days of the date of filing.

**Section 9:** Notice is hereby given that any appeal of this decision must be commenced by filing a petition for review and one copy with the Washington State Shoreline Hearings Board at the Environmental Hearings Office within twenty-one (21) days of the date of filing of this decision with the Washington Department of Ecology pursuant to Revised Code of Washington §90.58.180 and Washington Administrative Code §461-08-340.

**Section 10:** Notice is hereby given that affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

PASSED by the City Council of the City of Walla Walla, Washington, February 23, 2022.

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Mayor

Attest:

Approved as to form:

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City Clerk

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City Attorney



ar-4580

Pgs. 74-84

**City Council - Regular Meeting**

**Meeting Date:** 02/23/2022

**Item Title:** Ordinance Amending Civil Service Exemptions

**Submitted For:** Nabel Shawa, City Manager Office, Administration

**Financial Comments:**

N/A

**All Contracts:**

Not Applicable

**Federally funded contracts only:**

Not Applicable

**Construction contracts only:**

Not Applicable

**Brief Summary of Requested Action:**

This request is to amend City Code 2.33, which would exempt the positions of chief of police and fire chief from Civil Service coverage. However, the amendment provides that the current chief of police and fire chief are grandfathered in.

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**Information**

**HISTORY:**

All department heads, including police and fire chiefs, directly report to and are subject to the direction of the city manager. For the efficient and fair administration of the city's management team, the manager should have as much discretion with respect to the relationship with the police and fire chiefs as with the public works director, finance director and the other eight directors that compose the City Leadership Team. These directors, like the city manager, are at will employees.

The Legislature recognized that senior management of police and fire organizations should be part of a local government's overall management structure, and not civil service. Top management of a local government recognize that they serve at the pleasure of the appointing authority. And, if a city council were to disagree with a city manager's decision, it may replace the manager.

Appeals by a chief of discipline or termination decisions to a civil service commission are particularly disruptive to city government. If the CEO loses confidence in a chief, it is not appropriate for a civil service commission to determine differently.

Given the impending retirement of the chief of police in April 2022, and the planned retirement of the fire chief in 2023, this is appropriate timing. It freezes the status of the current chiefs and future chiefs would be aware of this employment condition prior to their hiring. With the

assistance of the Municipal Research Service Center, we conducted a review of Washington cities, in the 20,000 to 100,000 population, to determine how many other cities included their police and fire chiefs in civil service. Walla Walla was the only such city out of fifty-one cities (please see the attached document).

**POLICY ISSUES:**

A city or town may determine by ordinance that the civil service does not include any fire chief appointed after July 1, 1987, or a police chief appointed after July 1, 1987 (if the police department includes six or more commissioned officers). RCW 41.08.050 (fire) and RCW 41.12.050 (police).

See attached Civil Service Policy Analysis for Exempt Positions document, prepared by P. Stephen DiJulio, for the complete policy analysis.

**ALTERNATIVES:**

Leave the current City Code as is.

**STAFF RECOMMENDATION:**

Staff recommends amending the municipal code.

**CITY MANAGER COMMENTS:**

Approved for City Council action.

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**Attachments**

Ord 2022-04  
Civil Service Exempt Cities  
Civil Service Policy Analysis for Exempt Positions

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## ORDINANCE NO. 2022-04

AN ORDINANCE AMENDING SECTION 2.33.050 OF THE WALLA WALLA MUNICIPAL CODE, EXCLUDING THE POSITIONS OF POLICE CHIEF AND FIRE CHIEF FROM CIVIL SERVICE, AND TAKING OTHER ACTION CONNECTED THERETO

WHEREAS, Article 11, section 11, of the Washington State Constitution provides that the City of Walla Walla “may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws;” and

WHEREAS, sections 41.08.030 and 41.12.030 of the Revised Code of Washington (RCW) create local civil service commissions for city firefighters and police officers; and

WHEREAS, RCW 41.08.010 and RCW 41.12.010 provide cities with flexibility to adopt local regulations that substantially accomplish the purpose of the State civil service laws; and

WHEREAS, RCW 41.08.050 provides that the City Council may exclude individuals appointed as fire chief from civil service provisions; and

WHEREAS, RCW 41.12.050(2) provides that the City Council may exclude individuals appointed as police chief from civil service provisions; and

WHEREAS, the provisions adopted by this ordinance substantially accomplish the purposes of Chs. 41.08 and 41.12 RCW; and

WHEREAS, the Walla Walla City Council has considered adoption of this ordinance amending Walla Walla Municipal Code during a regularly and duly called public meeting of said Council, has given careful review and consideration to said ordinance, and finds said ordinance to be in the best interests of the City of Walla Walla;

**NOW THEREFORE, the City Council of the City of Walla Walla ordains as follows:**

**Section 1:** Section 2.33.050 of Walla Walla Municipal Code is hereby amended as follows (added terms are bolded and italicized and removed terms are stricken):

2.33.050 Persons included – Procedures required.

The provisions under civil service and the provisions of this chapter shall include all full paid employees occupying civil service positions in the police and fire departments, ~~including~~ ***except*** the chiefs thereof. ***The positions of police chief and fire chief are excluded from civil service and the provisions of this chapter.*** All appointments to and promotions in said departments shall be made solely on merit, efficiency and fitness, which shall be ascertained by open competitive examination and impartial investigation. No persons shall be reinstated in or transferred, suspended or discharged from any such place, position or employment contrary to the provisions of this chapter.

**Section 2:** The position of Walla Walla City Police Chief is exempted and excluded from the provisions of Ch. 41.12 RCW, chapter 2.33 of the Walla Walla Municipal Code,



and any other civil service laws, rules, and regulations.

**Section 3:** The position of Walla Walla City Fire Chief is exempted and excluded from the provisions of Ch. 41.08 RCW, chapter 2.33 of the Walla Walla Municipal Code, and any other civil service laws, rules, and regulations.

**Section 4:** This ordinance shall take effect upon passage and publication of a summary hereof in the manner provided by law; provided, however that it shall not apply to current Walla Walla City Police Chief Scott Bieber or current Walla Walla City Fire Chief Robert Yancey during their respective tenures as chief.

**Section 5:** Civil service laws, rules, and regulations shall not apply to the selection of successors to Scott Bieber as Walla Walla City Police Chief or Robert Yancey as Walla Walla City Fire Chief, and their successors are expressly excluded from civil service.

**Section 6:** The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 7:** If any portion or part hereof shall be determined to be invalid or unenforceable, it shall be deemed severable from the remainder hereof.

**Section 8:** The Walla Walla City Clerk is authorized to publish a summary of this ordinance in such form approved by the City Attorney.

PASSED by the City Council of the City of Walla Walla, Washington, February 23, 2022.

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Mayor

Attest:

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City Clerk

Approved as to Form:

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City Attorney

SUMMARY OF ORDINANCE 2022-04

AN ORDINANCE AMENDING SECTION 2.33.050 OF THE WALLA WALLA MUNICIPAL CODE, EXCLUDING THE POSITIONS OF POLICE CHIEF AND FIRE CHIEF FROM CIVIL SERVICE, AND TAKING OTHER ACTION CONNECTED THERETO

The Walla Walla City Council passed an ordinance at its February 23, 2022 regular meeting which in summary:

Amends Section 2.33.050 of Walla Walla Municipal Code to exclude the positions of Walla Walla City Police Chief and Walla Walla City Fire Chief from civil service.

The full text of the ordinance will be mailed upon request made to the Walla Walla City Clerk at Walla Walla City Hall, 15 N. Third Ave., Walla Walla, WA 99362.

Summary approved as to form

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City Attorney

**Civil Service status for Chiefs in Washington cities with a population of over 20,000 and under 100,000**

**Exempt chiefs from civil service:**

Arlington	Kirkland	Olympia
Auburn	Lacey	Pasco
Bainbridge Island	Lake Stevens	Poulsbo
Battle Ground	Lakewood	Port Angeles
Bellingham	Longview	Pullman
Bonney Lake	Lynnwood	Puyallup
Bothell	Marysville	Redmond
Bremerton	Mercer Island	Richland
Camas	Mill Creek	Sammamish
Des Moines	Monroe	Tukwila
Ellensburg	Moses Lake	Tumwater
Ferndale	Mountlake Terrace	Wenatchee
Fife	Mount Vernon	Yakima
Kennewick	Mukilteo	
Kent	Oak Harbor	

Total exempt: **Forty-three**

**Includes Chiefs in Civil Service**

Walla Walla

Total included: **One**

**No Civil Service – Contracts for Police & Fire**

Burien  
Covington  
Kenmore  
Maple Valley  
SeaTac  
Shoreline  
University Place

No Civil Service: **Seven**



1111 Third Avenue  
Suite 3000  
Seattle, WA 98101

Main: 206.447.4400  
Fax: 206.447.9700  
[foster.com](http://foster.com)

Direct Phone: 206.447.8971  
Fax: 206.749.1927  
[steve.dijulio@foster.com](mailto:steve.dijulio@foster.com)

## MEMORANDUM

TO: City of Walla Walla  
FROM: P. Stephen DiJulio  
DATE: February 15, 2022  
RE: Civil Service Exempt Positions

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**INTRODUCTION.** A city or town may determine by ordinance that the civil service does not include any fire chief appointed after July 1, 1987, or a police chief appointed after July 1, 1987 (if the police department includes six or more commissioned officers). RCW 41.08.050 (fire) and RCW 41.12.050 (police).

Most communities exempt from civil service the chief officer of the police and fire departments. The City of Walla Walla (“City”) has not yet acted on this issue. This memo provided the background for the issue and some points of analysis regarding the decision to exempt the department head (and potentially others) from the civil service.

**BACKGROUND.** Since 1935 for city fire departments, and 1937 for city police departments, the Legislature has mandated the maintenance of civil service systems. Washington cities and towns have flexibility in maintaining such systems. However, until 1987 that flexibility did not include the exclusion of the department’s chief executive officer from civil service. Prior to legislation allowing cities to exempt the position of chief from civil service, the court in *Samuels v. City of Lake Stevens*, 50 Wn. App. 475, 749 P.2d 187 (1988) ruled narrowly that the city’s effort to exclude the position of chief of police from civil service violated Chapter 41.12 RCW.

Generally, other civil service systems around the country follow a more traditional approach of allowing a limited number of positions to be exempt from civil service. *See*, E. Kaplan, *The Law of Civil Service*, Chapter IV (1958); RCW 41.06.070 (state civil service) and RCW 41.14.070 (county civil service). County Sheriff Civil Service has long provided for a certain number of exempt personnel. *See* RCW 41.14.070. And, the state civil service exempts nearly all the top four or five levels of department administration from the application of the state personnel system.

City police chiefs and fire chiefs were permitted to be exempted from civil service by Chapter 339, Laws of 1987. *See* RCW 41.08.050 and RCW 41.12.050. In 2002, the legislature further amended RCW 41.12.050 to authorize more police positions to be placed in an “unclassified service.” Chapter 143, Laws of 2002. The initial selection of positions to be in the unclassified service and therefore exempt from Civil Service are to be made by the police chief. The chief then notifies the civil service commission of the selection of the unclassified positions. RCW 41.12.050(3). The civil service commission has no jurisdiction to review or approve the chief’s designation. Subsequent changes in the designation of positions not in the unclassified service are subject to the approval of city administration and the civil service commission, after an open meeting. Persons with regular standing in a lower classification prior to appointment to an unclassified position are provided with return rights by the statute. RCW 41.12.050(3). In providing this flexibility, the Legislature recognized that senior management of a police organization should be part of a local government’s overall management structure, and not civil service.<sup>1</sup>

**DISCUSSION.** Over the more than 85 years since the state mandated city civil service systems, there have been few amendments to the base laws. But the Legislature did believe it was important enough to provide that cities may exempt certain senior positions from the civil service. The Legislature stated in providing that authority:

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<sup>1</sup> King County voters recently determined to return the position of sheriff as directly appointed by and answerable to the County Executive and not the voters. An independently elected county sheriff position, albeit exempt from civil service, is another anachronistic element of dated systems of local government.

The legislature finds that over the past century the field of law enforcement has become increasingly complex and many new techniques and resources have evolved both socially and technically.

Section 3, Chapter 339, Laws of 1987. The Legislature in that law imposed mandatory standards applicable to hiring such positions of leadership in a police department. Most cities and towns in the state have subsequently exempted police chiefs (and fire chiefs) from civil service. And many cities have designated other positions in the police department as “unclassified.”<sup>2</sup> Here are some points to further address this issue.

#### Efficient Management of City Government

Under the council-manager form of government, the city manager is the chief executive officer (CEO) of the city. The city manager is the city’s chief law enforcement officer. RCW 35A.13.080 (4). All department heads, including police and fire chiefs, directly report to and are subject to the direction of the city manager. For the efficient administration of the city’s management team, the manager should have as much discretion with respect to the relationship with the police chief as with the public works director or finance director. As a matter of law, even a city council may not interfere with a city manager’s administration or control of officers and employees of the city. RCW 35A.13.120.<sup>3</sup> There is some irony that the elected officials (city councilmembers) may have less authority in this regard than appointed officials (civil service commissioners).

Appeals by a chief of discipline or termination decisions to a civil service commission are particularly disruptive to city government. If the CEO loses confidence in a chief, it is not appropriate for a civil service commission to determine differently.

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<sup>2</sup> That is, the positions are not subject to civil service classification, testing or hiring processes.

<sup>3</sup> “Neither the council, nor any of its committees or members, shall direct the appointment of any person to, or his or her removal from, office by the city manager or any of his or her subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager and neither the council nor any committee or member thereof shall give orders to any subordinate of the city manager, either publicly or privately. The provisions of this section do not prohibit the council, while in open session, from fully and freely discussing with the city manager anything pertaining to appointments and removals of city officers and employees and city affairs.”

### Alternative Management of Employment of a Chief

Since the 1930s, federal and state employment laws have provided protections to public officers and employees that may once have been denied to them – such denial resulting in the legislative determination to provide for civil service protections. For example, the provisions for a cause-based discipline or removal state that a civil service commission’s investigation shall be confined to that cause, and “the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for **political or religious** reasons . . . .” RCW 41.12.090 (emphasis supplied). Any action by a city against a chief based on prohibited political, religious, or other protected-status grounds would be a violation of other law and actionable by the officer subject to such unjust action.<sup>4</sup>

Today, contracts of employment are common among senior management of a city government. The terms of the employment relationship may be negotiated between a city and a prospective chief officer and documented in a binding contract. Alternatively, separate provisions adopted by ordinance may provide for such matters. See RCW 35A.13.090.<sup>5</sup> Top management of a local government recognize that they serve at the pleasure of the appointing authority. And, if a city council were to disagree with a city manager’s decision, it may replace the manager. RCW 35A.13.130.

**LEGACY MEMBERS.** We understand the City is considering candidates for the position of police chief. An ordinance adopted prior to the appointment of an individual to that position may exempt that position from civil service. Similarly, the fire chief may also be exempted from civil service. But such a provision would only be made applicable to fire chiefs subsequently appointed, and not to the incumbent presently serving under a civil service appointment.

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<sup>4</sup> See, for example, Washington’s Law against discrimination at Chapter 49.60 RCW, including prohibition on discrimination on the basis of “race, creed, color, national origin, citizenship or immigration status, sex, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability . . . .” RCW 49.60.030.

<sup>5</sup> “On recommendation of the city manager or upon its own action, the council may create such departments, offices, and employments as it may find necessary or advisable and may determine the powers and duties of each department or office. Compensation of appointive officers and employees may be fixed by ordinance after recommendations are made by the city manager. The appointive officers shall include a city clerk and a chief of police or other law enforcement officer. . . .”

**CONCLUSION.** Civil service is an anachronistic system that has been replaced for the most part by modern laws, systems of personnel management, and labor and employment contracts. Nevertheless, vestiges of such systems linger in this state. But cities and towns are authorized to modernize in some respects their systems, including the exclusion from the civil service of a fire chief or a police chief and other police positions. RCW 41.08.050 (fire) and RCW 41.12.050 (police).

We trust the foregoing is responsive to the City.





ar-4593

8. A.

**City Council - Regular Meeting**

**Meeting Date:** 02/23/2022

**Submitted For:** Matt Edwards, Support Services

**Add'l Contributors:**

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**Information**

**ITEM TITLE:**

Resolution No. 2022-28: Ratifies an emergency procurement to repair/rebuild the landfill scraper-tractor.

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**Attachments**

Res 2022-28

Staff report

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**RESOLUTION NO. 2022-28**

**A RESOLUTION RATIFYING AN EMERGENCY PROCUREMENT, AND TAKING  
OTHER ACTION IN CONNECTION THEREWITH**

WHEREAS, the City of Walla Walla operates a landfill; and

WHEREAS, the wheel scraper-tractor unexpectedly failed and needed immediate repair and rebuild; and

WHEREAS, immediate repair and rebuild of the landfill scraper-tractor is necessary to ensure continuous operation of the landfill; and

WHEREAS, section 39.04.280 authorizes emergency purchases; and

WHEREAS, paragraph IV(M) of the purchasing policies adopted by City Resolution 2010-18 (Mar. 24, 2010) authorizes the City Manager and City Attorney to declare emergencies; and

WHEREAS, the City Manager/Attorney declared an emergency to exist on February 23, 2022; and

WHEREAS, the Walla Walla City Council has considered this matter during a regularly and duly called public meeting of said Council has considered this matter during a regular and duly called public meeting of said Council, has given said matter careful review and consideration, and finds that good government and the best interests of the City of Walla Walla will be served by passage of this resolution;

**NOW THEREFORE, the City Council of the City of Walla Walla do resolve  
as follows:**

**Section 1:** The City Council certifies that the need to immediately repair and rebuild the landfill scraper-tractor constituted an emergency situation. Such procurement is exempted from competitive bidding requirements.

**Section 2:** The City Council ratifies and confirms contracts, agreements, and/or other documents executed on behalf of the City of Walla Walla to repair and rebuild the landfill scraper-tractor.

**Section 3:** The City Manager of the City of Walla Walla, and designees of the City Manager, are hereby authorized and empowered to execute amendments, modifications, and change orders to the contracts, agreements, and/or other documents ratified by section 2 herein on behalf of the City of Walla Walla, provided that sufficient appropriations have been made by the Walla Walla City Council, and provided further the aggregate value of all amendments, modifications, and change orders to the agreement may not exceed twenty thousand dollars (\$20,000.00).

**Section 4:** The City Clerk of the City of Walla Walla is hereby authorized and directed to attest the contracts, agreements, and/or other documents ratified by section 2

herein and any amendments, modifications or change orders authorized by section 3 herein, and to attach to each duplicate thereof a copy of this resolution.

**PASSED** by the City Council of the City of Walla Walla, Washington, February 23, 2022.

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Mayor

Attest:

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City Clerk

Approved as to form:

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City Attorney

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Agenda No. 5. 0.

EMERGENCY

City Council - Regular Meeting

**Meeting Date:** 02/22/2022

**Item Title:** Emergency Declaration for repairs and rebuild of the Landfill Scraper

**Submitted For:** Matt Edwards, Fleet Services

**Project No:**

NA

**Financial Comments:**

TOTAL ESTIMATED COST (not to exceed): \$136,000

**All Contracts:**

Not Applicable

**Federally funded contracts only:**

Not Applicable

**Construction contracts only:**

Not Applicable

**Brief Summary of Requested Action:**

Ratifies an emergency declaration to make repairs and rebuild the Landfill Scraper.

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## Information

### HISTORY:

WHAT?

Ratifies an emergency declaration to make repairs and rebuild the Landfill Scraper.

### WHY ARE EMERGENCY REPAIRS NECESSARY?

The scraper is used in the daily operations at the landfill to collect and transport dirt for daily cover of the active area. Daily cover is a requirement of WAC 173-304-460(4)(d)(ii):

All owners or operators of landfills shall: Cover compacted waste containing garbage fully with at least six inches of compacted cover material after each day of operation.

### WHY THE REBUILD?

Repair of the failures results in/requires downtime, transport, and significant disassembly/reassembly. Given the nature of the failures it is more cost effective to complete the rebuild at this time.

The rebuild was planned to be completed in the next budget cycle (2023-24). The budgeted cost to complete the rebuild was \$120,000. Completing the rebuild at this time is estimated to save \$30,000 and result in reduced downtime.

### WHAT THE REBUILD CONSISTS OF?

Disassembling, inspecting, testing, repairing, refurbishing, calibrating, and cleaning the major powertrain components such as the engine, transmission, differential, and all associated parts, while replacing all gaskets, seals, bearings, gears, and hoses.

### DETAILS ON THE SCRAPER:

Equipment Year: 1997

Replacement value: \$700,000+

See the attached February 22, 2022 memo from Fleet Services for additional details.

**POLICY ISSUES:**

Contracts greater than or equal to \$20,000 require Council Authorization.

City Purchasing Policy requires Council ratification of declared emergencies.

**PLAN COMPLIANCE:**

**STRATEGIC PLAN:**

Strategic Initiative 2 - Long Term: Fix and Improve the City's Infrastructure.

Objectives:

4. Maintain City Buildings and Facilities

**COMPREHENSIVE PLAN:**

N/A

**ALTERNATIVES:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends Council adopt a resolution ratifying the February 23, 2022 emergency declaration to repair the Landfill scraper and while disassembled, complete the planned (2024-24) rebuild at this time.

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**Attachments**

2022-02-22 Repair to Rebuild memo

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## MEMORANDUM

**To:** Ki Bealey, Public Works Director  
Elizabeth Chamberlain, Deputy City Manager  
Jean Teasdale, Finance Director

**From:** Matthew Edwards, Fleet Operation Supervisor

**Subject:** Landfill's Scraper Repair to Rebuild

**Funding:** (518) Vehicle/Equipment Replacement Fund (Current Reserve Balance = **\$635,485**)

**Date:** February 23, 2022 (Revised)

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### **History**

The (518) Vehicle/Equipment Replacement Fund includes the reserve balance for mid-life rebuilds on the City Landfill division's heavy equipment which is part of the replacement program and strategy to manage the total life and all associated costs of these expensive and mission critical pieces of City equipment in an effective and efficient manner. The Landfill's wheel tractor-scraper recently had a couple unexpected powertrain and drivetrain failures, which required the dismantle and removal of many components such as the engine and transmission to complete these repairs. Due to the cost required to remove, dismantle, and reinstall these components, Fleet Services, Landfill Operations, and Western States Equipment staff collaborated and agreed that a partial rebuild during these repairs would increase the quality of the repairs, minimize the risk of near future failures, and be more cost effective. This strategy will save the City a minimum of \$30,000 compared to just executing the current repair needs and then paying for the disassembly and reinstallation of all these major parts again for a rebuild during the 2023-24 budget.

### **Alternative**

The alternative is to pay for these repairs and rebuild using the (517) Fleet Operations and Maintenance Fund which is not staff's recommendation due to this expense being strategically budgeted in the (518) Vehicle/Equipment Replacement Fund and annually setting aside a specific amount of funding to extend the useful life of this equipment through periodic rebuilds and refurbishments.

### **Financial Impacts**

Sufficient funding has been set-aside per the heavy-equipment replacement schedule and is available within the (518) Vehicle/Equipment Replacement Fund reserve balance to complete this partial rebuild to re-bearing and re-seal the engine, transmission, and differential on the City Landfill's wheel tractor-scraper. Western States Equipment of Pasco, WA is completing all repair and rebuild requirements onsite, not to exceed a total cost of \$136,000 (including all associated tax).

**Staff Recommendations**

Staff Recommends adoption of the resolution that authorizes the City Manager to approve all costs associated with the City Landfill's wheel tractor-scraper repair and rebuild completed by Western States Equipment of Pasco, WA to be paid by the (518) Vehicle/Equipment Replacement Fund's reserve balance that has been allocated to this specific piece of equipment through approved annual contributions.

**Plan Compliance**

STRATEGIC PLAN: Initiative 2 – Long Term: Fix and improve the City's infrastructure.

Objective 4 – Maintain City buildings and facilities.

COMPREHENSIVE PLAN: Capital Facilities and Utilities Goal 2 - Capital facilities and utilities are located in such a way as to provide safe and efficient service to all residents.

CFU Policy 2.1 - Ensure that City-provided community facilities and services are appropriate for the size and composition of the population they serve.